

Mr. KILGORE. Do I understand this is the last one of that batch of cases?

Mr. MONTGOMERY. It is the last one that I know of.

Mr. TAULBEE. The same tax has been refunded to every other county in the State.

Mr. KILGORE. All of them?

Mr. TAULBEE. Every one of them, so far as known to me or to the Department. The letter of the Department cites the action in the other counties as a precedent for this.

Mr. KILGORE. So long a time has elapsed in these cases that I fear they will be able to trump up others.

Mr. TAULBEE. I think this is all.

There being no objection, the bill was considered and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MONTGOMERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 12329) making appropriations for the naval service for the fiscal year ending June 30, 1890, and for other purposes.

#### RETURN OF A CONCURRENT RESOLUTION.

The SPEAKER *pro tempore*. The Chair is informed that the concurrent resolution of the House of Representatives providing for the printing of the annual volumes of the Astronomical Observations of the Naval Observatory for the years 1886, 1887, and 1888 was sent to the Senate by mistake; and it is requested that an order be made asking the Senate to return the resolution. Without objection that order will be made.

There was no objection, and it was so ordered.

#### CHEYENNE STREET RAILROAD COMPANY.

Mr. CAREY. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read, as follows:

*Be it enacted, etc.*, That the Cheyenne Street Railroad Company, a corporation created and organized under the laws of the Territory of Wyoming, is hereby authorized to build and operate its road on and across the Fort D. A. Russell military reservation, in said Territory, on such a line and subject to such restrictions as may be approved by the Secretary of War: *Provided*, That such right of way shall not exceed 60 feet in width, and shall be subject to such change or removal as may be provided by the Secretary of War, at the expense of the said railroad company.

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, was passed.

Mr. CASWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### DISTRICT COURT, NORTHERN DISTRICT, GEORGIA.

Mr. STEWART, of Georgia. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia.

This bill defines the time when the term of the court shall begin. I will state that it is necessary to pass this bill to determine the time when the jurors shall be drawn. It does not exceed three lines in length.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill is as follows:

*Be it enacted, etc.*, That hereafter the regular terms of the district court for the northern district of Georgia, now held on the first Monday in March, shall commence on the second Monday in March of each year.

There being no objection, the bill was considered and ordered to a third reading; and being read the third time, was passed.

Mr. STEWART, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. ROCKWELL (at 6 o'clock and 30 minutes p. m.), the House adjourned.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 12572) granting a pension to George E. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12573) to establish a bridge across the Illinois

River, within 5 miles of Columbiana, in Greene County, to a point within 5 miles of Kampsville, in Cahoon County, in the State of Illinois—to the Committee on Commerce.

By Mr. BOWDEN: A bill (H. R. 12574) granting right of way and other privileges to the Hampton and Old Point Railway Company—to the Committee on Military Affairs.

By Mr. DE LANO: A bill (H. R. 12575) to increase the pension of James M. Barrett—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 12576) for the relief of S. M. Edmunds—to the Committee on War Claims.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. DAVIS: Petition of farmers of Somerset Grange, of Potterville, Mass., for protection to agriculture—to the Committee on Agriculture.

By Mr. GROUT: Petition of F. A. Froy and 16 others, for protection to agriculture—to the Committee on Ways and Means.

By Mr. MORRILL: Concurrent resolution of the Legislature of Kansas, relating to the assassination of John M. Clayton in Arkansas—to the Committee on Elections.

Also, concurrent resolution of the Legislature of Kansas, in relation to pensions to militiamen and others, and asking for the repeal of the limitation in section 4693 of the Revised Statutes—to the Committee on Invalid Pensions.

By Mr. WILKINSON: Petition of estate of Ulger V. Boehsuax, deceased, of Orleans Parish, Louisiana, for reference of her claim to Court of Claims—to the Committee on War Claims.

The following petition for a national Sunday-rest law was received and referred to the Committee on Labor:

By Mr. LODGE: Of 39 citizens of the Indian Territory.

The following petitions praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BOOTHMAN: Of H. Snyder and 83 others, citizens of Della, Ohio.

By Mr. BUCHANAN: Of William W. Campbell and 44 others, citizens of New Egypt, N. J.

By Mr. COLLINS: Of G. W. Flynn and 29 others, citizens of Boston, Mass.

By Mr. DORSEY: Of W. F. Wilkerson and 15 others, citizens of Emerson, Nebr.

By Mr. FRENCH (by request): Of W. H. Brown and 270 others, citizens of Chatham, Conn.

By Mr. GRANGER (by request): Of A. B. Dibble and 217 others, citizens of Danbury, Conn.

By Mr. LAWLER: Of 6,187 citizens of Illinois.

By Mr. MCADOO: Of James Cummings and 54 others, citizens of Jersey City, N. J.

By Mr. PIDCOCK: Of J. J. Summers and 133 others, citizens of Milford, N. J.

By Mr. PUGSLEY: Of Benjamin Hawkins and 26 others, citizens of New Burlington, Ohio.

By Mr. ROMEIS: Of Robinson Locke and 37 others, citizens of Toledo, Ohio.

By Mr. J. B. WHITE: Of R. S. Goodman and 41 others, citizens of Kendallville, Ind.

#### SENATE.

WEDNESDAY, February 13, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a letter from the Light-House Board submitting an estimate for an appropriation of \$3,500 for the purchase of land required for the Beaver Tail (Rhode Island) fog-signal station; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a letter from the Attorney-General inclosing copies of letters from the chief-justice of the supreme court of the District of Columbia and United States marshal, accompanied with a report from the health officer, addressed to the commissioners of the District, relative to the sanitary condition of the City Hall; which, with the accompanying papers, was ordered to lie on the table, and be printed.

## PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of A. J. Coe and 197 others (96 voters and 102 women), citizens of Burlingame, Kans., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. EDMUNDS presented the petition of E. B. Dwinell and 55 others (23 voters and 33 women), citizens of Marshfield, Vt., praying for the submission to the States of a constitutional amendment prohibiting the manufacture and sale of liquors, etc.; which was ordered to lie on the table.

Mr. HALE presented the petition of George A. Mahoney and 89 others (44 voters and 46 women), citizens of Camden, Me., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of H. Snyder and 82 others (52 voters and 31 women), citizens of Delta, Ohio, praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. BLODGETT presented the petition of M. D. Coolbaugh and 634 others (325 voters and 310 women), citizens of Newark, N. J., and eight petitions of Independence, Jefferson, Malaga, Swedesborough, Borden-town, New Egypt, Milford, Rahway, and Westfield, in the State of New Jersey, and a petition of citizens of Mercer County, New Jersey, all praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. MANDERSON presented the petition of William T. Mikesell and 15 voters (12 voters and 4 women), citizens of Emerson, Nebr.; the petition of W. H. Rice and 51 others (32 voters and 20 women), citizens of Chapman, Nebr.; the petition of George H. Kemp and 169 others (135 voters and 35 women), citizens of Grand Forks, Dak.; the petition of Leslie I. Puckett and 45 others (25 voters and 21 women), citizens of Spring Bank, Nebr., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

He also presented a petition of citizens of Albion, Boone County, Nebraska, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. STEWART presented the petition of E. Donovan and 34 others (5 voters and 30 women), citizens of Gold Hill, Nev., and the petition of J. R. Hammond and 65 others (28 voters and 38 women), citizens of Ruby Hill, Nev., praying for the submission to the States of a constitutional prohibitory amendment; which were ordered to lie on the table.

Mr. BUTLER presented a petition of the Young Men's Union Prayer Meeting of Union, S. C., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. MCPHERSON presented the petition of W. N. Ogborn and 57 others (25 voters and 33 women), citizens of Bridgeport, N. J., and the petition of James Cumming and 57 others (30 voters and 28 women), citizens of Jersey City, N. J., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which were ordered to lie on the table.

He also presented the petition of J. G. Johnson, a citizen of Pitman Grove, Gloucester County, New Jersey, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. PLUMB presented a memorial of citizens of Whitman County, Washington Territory, remonstrating against the passage of the bill authorizing the county commissioners of Whitman County, Washington Territory, to issue bonds for the purpose of building a court-house and jail, etc.; which was referred to the Committee on Territories.

Mr. EVARTS presented a petition of 1,252 citizens of the State of New York, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented the petition of A. N. Allen and 18 others (6 voters and 13 women), citizens of Southbury, Conn., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of 100 citizens of Sheldon, Iowa, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of M. E. Gammons and 57 others (22 voters and 36 women), citizens of Westport, Mass., praying for the submission to the States of a constitutional prohibitory amendment; which was ordered to lie on the table.

Mr. DAWES presented the petition of C. B. Hathaway and 103 others (49 voters and 55 women), citizens of Raynham, Mass., praying for the proposal of a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage; which was ordered to lie on the table.

## REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (H. R. 9874) for the relief of administrator of Alfred Al-

corn, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6598) granting a pension to Maria Brasted;  
A bill (H. R. 11741) granting a pension to Alexander M. Boatright;  
A bill (H. R. 11924) granting a pension to Annie Balser;  
A bill (H. R. 12303) granting a pension to Ester Gaven; and  
A bill (H. R. 6535) granting a pension to Mary Gray.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 717) granting an increase of pension to Daniel M. Maulding, reported it with an amendment, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10882) granting a pension to Nancy Hamilton; and  
A bill (H. R. 10780) for the relief of Benjamin E. Snyder.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8801) granting a pension to William Logan;  
A bill (H. R. 10639) granting a pension to John Y. Hooper;  
A bill (H. R. 6886) granting a pension to Hannah McKee;  
A bill (H. R. 424) granting a pension to Elizabeth Myers; and  
A bill (H. R. 7123) for the relief of Catharine Mutz.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3944) granting a pension to Juliet Opie H. Ayres;  
A bill (H. R. 11923) granting a pension to Charles Schuler; and  
A bill (H. R. 11466) granting a pension to Mary A. Selbach.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 1029) for the relief of J. S. Flake, guardian of Samuel Howard, reported it without amendment.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1804) to authorize the Cheyenne Street Railroad Company to build its road on and across the Fort D. A. Russell military reservation; and

A bill (S. 3786) to change the date for the commencement of the March terms of the district court for the northern district of Georgia.

The message also announced that the House had passed the bill (H. R. 11871) for the relief of Hardin County, Kentucky; in which it requested the concurrence of the Senate.

## HEIRS OF REAR-ADMIRAL CHARLES H. BALDWIN.

Mr. PAYNE. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 125) authorizing the heirs of Rear-Admiral Charles H. Baldwin, United States Navy, to receive a snuff-box set in diamonds from the Czar of Russia, to report it favorably without amendment, and I desire present action on the joint resolution. I ask that the letter which I forward to the desk may be read.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

NEW YORK, January 31, 1889.

DEAR SIR: I take the liberty to address you as chairman of the Committee on Foreign Relations to ask if you will endeavor to have a bill reported back to the Senate that was introduced by Senator CHANDLER and referred to your committee.

This is a bill to enable the heirs of the late Rear-Admiral Baldwin to retain a gold snuff-box that was presented to him by the present Czar of Russia at his coronation.

Friends of the late rear-admiral did present a bill some years ago, but no action was reached, and as my late friend was ill for three or four years before his death, no effort was made to get this attended to.

Of course now the family would like to retain this as a memento.

I am one of the executors, and with the great friendship that has always existed for Admiral Baldwin and his family, explains the interest that I take in this matter.

I remain, very truly,

C. ADOLPHE LOW.

HON. JOHN SHERMAN,  
United States Senate, Washington.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the joint resolution may be now considered. It will be read at length for information, subject to objection.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the heirs of the late Rear-Admiral Charles H. Baldwin, United States Navy, be, and hereby are, authorized to receive the snuff-box set in diamonds presented to the rear-admiral by the Czar of Russia, while he was special naval representative of the Government at the coronation of the emperor, in 1883.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment,



ordered to be engrossed for a third reading, read the third time, and passed.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I present the conference report on the diplomatic and consular appropriation bill.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 13, 25, 26, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Substitute for the sum proposed the following: "\$378,500;" and the Senate agree to the same.

EUGENE HALE,  
W. B. ALLISON,  
F. M. COCKRELL,  
*Managers on the part of the Senate.*

JAMES B. MCCREARY,  
CHAS. E. HOOKER,  
ROBERT R. HITT,  
*Managers on the part of the House.*

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the report, the question is, Will the Senate agree to the same?

Mr. SHERMAN. I should like to have the Senator explain what is done with the amendments in regard to Samon.

Mr. HALE. The large appropriation which was made by an amendment in the Senate of half a million dollars is left in the bill and becomes a part of the report.

The item of \$100,000, which covered the taking possession of the station which the United States has at Pago Pago, is struck out of this bill for the reason that the House of Representatives put it in a better form in the naval appropriation bill, so that the work which is to be done there will be done under the Navy Department. The Senate has already consented to that amendment and it has passed both Houses upon that bill, and will undoubtedly in a few days become a law upon that bill. Otherwise there are no substantial changes in the bill from the Senate's action.

The PRESIDENT *pro tempore*. Will the Senate concur in the report of the committee of conference?

The report was concurred in.

#### BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3960) granting a pension to Mary B. Hunt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3961) to secure to all citizens of the United States the right to vote at certain elections without distinction of sex, and for other purposes; which was read twice by its title, and referred to the Select Committee on Woman Suffrage.

He also (by request) introduced a bill (S. 3962) to amend the first, second, and twenty-third sections of an act entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870; which was read twice by its title, and referred to the Select Committee on Woman Suffrage.

Mr. CHANDLER introduced a bill (S. 3963) granting a pension to Jeanie Brent Davenport; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER (by request) introduced a bill (S. 3964) to authorize an extension of a patent for improvement in sewerage to Walter Scott West; which was read twice by its title, and referred to the Committee on Patents.

#### AMENDMENTS TO BILLS.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### INDIAN EDUCATION AND CIVILIZATION.

Mr. MANDERSON submitted the following resolution; which, together with the accompanying document, was referred to the Committee on Printing:

*Resolved by the Senate of the United States (the House of Representatives concurring), That 5,000 copies of the report on Indian education and civilization, by Alice C. Fletcher, be printed; 1,000 for the use of the Senate, 2,000 for the use of the House of Representatives, and 2,000 for distribution by the Commissioner of Education.*

DR. JOHN B. READ.

Mr. PUGH. I desire to call attention to Order of Business 2435, being the bill (H. R. 10633) for the relief of Dr. John B. Read. At the

time that bill passed the Senate and was reconsidered on the motion of the Senator from Vermont [Mr. EDMUNDS] it was understood that the bill after being reconsidered should occupy the place of a Senate bill which was Order of Business 2026. I move to have the House bill changed from Order of Business 2435 to 2026, the place where it properly belongs. I called the attention of the Senator from Vermont to this mistake in the Order of Business of this bill and he agreed that it should be put at 2026.

The PRESIDENT *pro tempore*. The Chair hears no objection to the proposed change in the enumeration of the Order of Business, and that change will be made.

#### WHITE EARTH INDIAN RESERVATION.

Mr. SABIN. I am directed by the Committee on Indian Affairs to report favorably with an amendment the bill (H. R. 12443) granting to the St. Paul, Minneapolis and Manitoba Railway Company the right of way through the White Earth Indian reservation in the State of Minnesota, and I desire to have action by the Senate on the same at this time.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the bill reported by him may be now considered. Is there objection?

Mr. SHERMAN. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read at length for information, subject to objection.

The bill was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

The amendment reported by the Committee on Indian Affairs was, in section 2, line 24, to strike out the words "as to the amount of said compensation" and insert "to the provisions of this act;" so as to read:

But no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine shops, side-tracks, turn-outs, and water stations shall have been approved by the Secretary of the Interior, and until the compensation aforesaid shall have been fixed and paid, and the consent of the Indians on said reservation to the provisions of this act shall have been first obtained in a manner satisfactory to the President of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. Senate bill 3919, upon the same subject, if there be no objection, will be indefinitely postponed.

Mr. DAWES. What is the difference between the bill that has been passed and the bill for which the Senator asks the indefinite postponement?

Mr. SABIN. They are identical, with the amendment made by the committee to the House bill.

I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. SABIN, and Mr. JONES of Arkansas were appointed.

#### THE ELECTORAL COUNT.

Mr. HAWLEY. If the morning business is concluded—

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. HOAR. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator rise to morning business?

Mr. HOAR. I rise to make what I suppose is a privileged motion.

The PRESIDENT *pro tempore*. The Senator will state his motion.

Mr. HOAR. I move that at ten minutes before 1 o'clock to-day the Senate proceed to the Hall of the House of Representatives, there to take part under the Constitution and laws in the count of the electoral votes for President and Vice-President of the United States.

The PRESIDENT *pro tempore*. Is there objection?

Mr. SHERMAN. Before that question is put I should like to inquire whether the usual custom has not been to await notice from the House of Representatives?

The PRESIDENT *pro tempore*. The Chair has just been notified by the Clerk of the House of Representatives that no notification will be forwarded, but that the House will be ready to receive the Senate at the time appointed in the concurrent resolution.

Mr. SHERMAN. My impression is that heretofore the custom has always been for the House of Representatives to notify the Senate that they are ready to receive the Senate so that the votes may be counted.

Mr. HOAR. I suppose the departure by the House of Representatives from the usual custom may perhaps be explained by the fact that there is now for the first time in existence a statute regulating the whole proceeding, which makes it a legal duty. I suppose, therefore, it would not be necessary or proper or becoming for the Senate to wait for an invitation. The Constitution provides for the assembling or

these two bodies at the count of the electoral votes, and the statute places the Hall of the House of Representatives at the command of the convention for that purpose and provides who shall preside.

Mr. HARRIS. I would ask the Senator from Massachusetts if the concurrent resolution agreed to by both Houses does not fix the hour at which the Senate shall appear in the Hall of the House of Representatives?

Mr. HOAR. It does.

Mr. HARRIS. It seems to me that that is sufficient.

Mr. HOAR. I suppose the Chair perhaps would not execute that resolution without an order of the Senate. The statute requires the two Houses to be at that place at 1 o'clock to-day. This motion is that the Senate proceed—I will say at five minutes before 1 o'clock—that the Senate leave this Chamber for that purpose at five minutes before 1 o'clock, so that they will be on the spot at the appointed time. I modify the motion and make it five minutes before 1 o'clock, which will give, I suppose, time enough.

The PRESIDENT *pro tempore*. The Senate has heard the motion of the Senator from Massachusetts, that at five minutes before 1 o'clock to-day the Senate will proceed to the Hall of the House of Representatives as required by the concurrent resolution for the ascertainment and counting of the electoral vote. The Chair hears no objection, and it is so ordered.

JACOB CRAMER.

Mr. CAMERON. I ask the Senate at this time to consider House bill 855, Order of Business 2606.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Pennsylvania moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the issuance by the Commissioner of Pensions to the heirs of Jacob Cramer of a bounty-land warrant for 200 acres of land, the warrant to be locatable only on public land subject to private entry, for services rendered by Cramer as a lieutenant in the Pennsylvania Continental Line in the Revolutionary war, he being entitled thereto pursuant to the resolution of the Continental Congress of September 16, 1776, and the provisions of the act of July 27, 1842, extended by the act of February 8, 1854.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY M. RECTOR.

Mr. JONES, of Arkansas. I ask unanimous consent of the Senate that the vote by which the bill (S. 314) for the relief of Henry M. Rector was passed may be reconsidered, and that the House of Representatives be requested to return the bill.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection. The Chair hears no objection.

CALIFORNIA INDIAN WAR CLAIMS.

Mr. STEWART. I move that the Senate proceed to the consideration of Senate bill 3439, Order of Business 2315.

By unanimous consent, the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California, growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States, was considered as in Committee of the Whole.

Mr. SHERMAN. I move to amend the bill by striking out the clause beginning in line 18 down to and including line 22, as follows:

The Secretary of War is hereby authorized and directed to ascertain the amount of interest paid and assumed by said State on obligations incurred for the purposes hereinbefore enumerated, and which has not heretofore been reimbursed by the United States.

And also, in line 26, after the word "enumerated," by striking out all down to and including "United States," in line 29, as follows:

Including the amount of interest actually paid and assumed by said State on moneys borrowed for the purposes above enumerated and not heretofore reimbursed by the United States.

So as to make the clause read:

The Secretary of War shall report to Congress the amount of money which may be thus ascertained to have been actually paid and assumed by the State of California on account of the matters above enumerated.

Mr. STEWART. I have no objection to the amendment.

Mr. COCKRELL. What is that amendment?

Mr. SHERMAN. I have moved to strike out all that relates to interest. As a matter of course, if the Government ought to pay interest (which I deny, for the Government does not pay interest anyway) it should pay it without respect to any rate paid by the State of California.

Mr. STEWART. The bill as it is would not commit us to anything except what has been done.

Mr. SHERMAN. It is a recognition of the claim, and I think it had better be stricken out.

Mr. STEWART. I do not care about delaying the bill by discussion, and I will consent to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. J. FINLEY.

Mr. EUSTIS. I am instructed by the Committee on Privileges and Elections to report favorably upon the petition of J. J. Finley, and accompanying the report there is a resolution.

Mr. CALL. I ask unanimous consent that that resolution may be now considered.

The PRESIDENT *pro tempore*. The Senator from Louisiana, from the Committee on Privileges and Elections, reports a resolution, which will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Senate be directed to pay, out of the contingent fund of the Senate, to J. J. Finley, who was appointed a Senator of the United States by the governor of the State of Florida, a sum equivalent to the salary of a Senator from March 5, 1887, the day of his appointment, to May 10, 1887, the day of the election of a Senator to fill the vacancy to which he was appointed.

Mr. CALL. I ask unanimous consent that that resolution may be now considered.

The PRESIDENT *pro tempore*. The Chair thinks that under the rules the resolution should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CALL. Very well, then; I withdraw the motion.

The PRESIDENT *pro tempore*. It will be so referred.

THE ELECTORAL COUNT.

Mr. DAVIS. I move that the Senate proceed to the consideration—

The PRESIDENT *pro tempore*. The time has arrived for the execution of the order of the Senate.

The Senate, preceded by the President *pro tempore* and the Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representatives for the purpose of participating in the count of the electoral votes for President and Vice-President of the United States.

The Senate returned to its Chamber at 2 o'clock and 25 minutes p. m., and the President *pro tempore* resumed the chair.

Mr. MANDERSON. Mr. President, the tellers who were appointed on behalf of the Senate in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States beg leave to report that the two Houses met in joint convention in pursuance of the resolution, and that thereupon the certificates of the electors of the various States of their votes for those officers were opened by the President of the Senate and delivered to the tellers; and on being examined it appeared that the votes of the several States had been cast in accordance with the list which I send to the Chair.

From those votes it appeared that the whole number of electors appointed to vote for President and Vice-President of the United States for the term of office beginning on the 4th day of March, 1889, was 401, of which a majority was 201. The state of the vote for President of the United States appeared to be:

For Benjamin Harrison, of the State of Indiana, 233.

For Grover Cleveland, of the State of New York, 168.

The state of the vote for Vice-President of the United States appeared to be:

For Levi P. Morton, of the State of New York, 233.

For Allen G. Thurman, of the State of Ohio, 168.

Which result having been ascertained and counted by the tellers was delivered by them to the President *pro tempore* of the Senate, whereupon the President *pro tempore* of the Senate announced the state of the vote to be, that Benjamin Harrison, of the State of Indiana, had received 233 electoral votes, and that Grover Cleveland, of the State of New York, had received 168 electoral votes, for the office of President of the United States; and that Levi P. Morton, of the State of New York, had received 233 votes, and that Allen G. Thurman, of the State of Ohio, had received 168 votes, for the office of Vice-President of the United States.

Mr. EDMUNDS. That will be entered on the Journal, I presume.

The PRESIDENT *pro tempore*. The certificate of the ascertainment and counting of the electoral votes for President and Vice-President of the United States submitted by the tellers will be entered at large upon the Journal of the Senate.

Mr. EDMUNDS. The report had also better be entered in connection with the certificate. It is a written report.

The PRESIDENT *pro tempore*. It is proper that there should appear, the Chair thinks, between the certificates signed by the tellers and the announcement of the state of the vote by the President of the Senate, the direction of the President of the Senate to the tellers to report in accordance with law the result of their counting and ascertainment of the vote. If there be no objection that will be inserted.

Mr. EDMUNDS. Then have the report entered in the Journal as well.



The PRESIDENT *pro tempore*. The report also will be entered in the Journal.

Mr. HOAR. This document is the report signed by the tellers.

The report of the tellers, as entered on the Journal, is as follows:

The undersigned, CHARLES F. MANDERSON and ISHAM G. HARRIS, tellers on the part of the Senate, and DANIEL ERMENROUT and CHARLES S. BAKER, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral votes for President and Vice-President of the United States for the term beginning March 4, 1889:

| Electoral votes to which each State is entitled. | States.             | For President.                 |                                | For Vice-President.          |                            |
|--|---------------------|--------------------------------|--------------------------------|------------------------------|----------------------------|
|  |                     | Benjamin Harrison, of Indiana. | Grover Cleveland, of New York. | Levi P. Morton, of New York. | Allen G. Thurman, of Ohio. |
| 10   | Alabama.....        |                                | 10                             |                              | 10                         |
| 7  | Arkansas.....       |                                | 7                              |                              | 7                          |
| 8  | California.....     | 8                              |                                | 8                            |                            |
| 3  | Colorado.....       | 3                              |                                | 3                            |                            |
| 6  | Connecticut.....    |                                | 6                              |                              | 6                          |
| 3  | Delaware.....       |                                | 3                              |                              | 3                          |
| 4  | Florida.....        |                                | 4                              |                              | 4                          |
| 12   | Georgia.....        |                                | 12                             |                              | 12                         |
| 22   | Illinois.....       | 22                             |                                | 22                           |                            |
| 15   | Indiana.....        | 15                             |                                | 15                           |                            |
| 13   | Iowa.....           | 13                             |                                | 13                           |                            |
| 9  | Kansas.....         | 9                              |                                | 9                            |                            |
| 13   | Kentucky.....       |                                | 13                             |                              | 13                         |
| 8  | Louisiana.....      |                                | 8                              |                              | 8                          |
| 6  | Maine.....          | 6                              |                                | 6                            |                            |
| 8  | Maryland.....       |                                | 8                              |                              | 8                          |
| 14   | Massachusetts.....  | 14                             |                                | 14                           |                            |
| 13   | Michigan.....       | 13                             |                                | 13                           |                            |
| 7  | Minnesota.....      | 7                              |                                | 7                            |                            |
| 9  | Mississippi.....    |                                | 9                              |                              | 9                          |
| 16   | Missouri.....       |                                | 16                             |                              | 16                         |
| 5  | Nebraska.....       | 5                              |                                | 5                            |                            |
| 3  | Nevada.....         | 3                              |                                | 3                            |                            |
| 4  | New Hampshire.....  | 4                              |                                | 4                            |                            |
| 9  | New Jersey.....     |                                | 9                              |                              | 9                          |
| 36   | New York.....       | 36                             |                                | 36                           |                            |
| 11   | North Carolina..... |                                | 11                             |                              | 11                         |
| 23   | Ohio.....           | 23                             |                                | 23                           |                            |
| 3  | Oregon.....         | 3                              |                                | 3                            |                            |
| 30   | Pennsylvania.....   | 30                             |                                | 30                           |                            |
| 4  | Rhode Island.....   | 4                              |                                | 4                            |                            |
| 9  | South Carolina..... |                                | 9                              |                              | 9                          |
| 12   | Tennessee.....      |                                | 12                             |                              | 12                         |
| 13   | Texas.....          |                                | 13                             |                              | 13                         |
| 4  | Vermont.....        | 4                              |                                | 4                            |                            |
| 12   | Virginia.....       |                                | 12                             |                              | 12                         |
| 6  | West Virginia.....  |                                | 6                              |                              | 6                          |
| 11   | Wisconsin.....      | 11                             |                                | 11                           |                            |
| 401  |                     | 233                            | 168                            | 233                          | 168                        |

CHARLES F. MANDERSON,  
ISHAM G. HARRIS,  
Tellers on the part of the Senate.

DANIEL ERMENROUT,  
CHAS. S. BAKER,  
Tellers on the part of the House of Representatives.

The PRESIDENT *pro tempore* thereupon announced the state of the vote, as follows:

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 401, of which a majority is 201.

Benjamin Harrison, of the State of Indiana, has received, for President of the United States, 233 votes; and

Grover Cleveland, of the State of New York, has received 168 votes. The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 401, of which a majority is 201.

Levi P. Morton, of the State of New York, has received 233 votes; and

Allen G. Thurman, of the State of Ohio, has received 168 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that Benjamin Harrison, of the State of Indiana, is elected President of the United States, and that Levi P. Morton, of the State of New York, is elected Vice-President of the United States, each for the term beginning March 4, 1889, and will be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

#### REPORT OF A COMMITTEE.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 3880) for the relief of Hardin County, Kentucky, reported it without amendment.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the concurrent resolu-

tion of the Senate to print extra copies of the report of the Coast and Geodetic Survey for the fiscal year ending June 30, 1888.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 3116) granting an increase of pension to Thomas Wynne.

The message also announced that the House had ordered the Clerk to request the Senate to return to the House the House concurrent resolution providing for the printing of the annual volumes of the Astronomical Observations of the Naval Observatory for 1886, 1887, and 1888.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the following acts:

An act (S. 1481) granting a pension to Ellen White Dowling;  
An act (S. 2829) granting a pension to Sarah J. Foy;  
An act (S. 3283) granting a pension to Reuben Ash;  
An act (S. 332) granting a pension to Harrison Wagner;  
An act (S. 2765) granting a pension to Adaline A. Smyth;  
An act (S. 3249) for the relief of Zo. S. Cook;  
An act (S. 2623) granting an increase of pension to James Patterson;  
An act (S. 3794) granting to the Big Horn Southern Railroad Company a right of way through a part of the Crow Indian reservation in Montana Territory;  
An act (S. 379) to increase pensions in certain cases;  
An act (S. 1092) for the relief of certain property in the District of Columbia; and  
An act (S. 2441) to refund illegal internal-revenue tax collected of James R. Berry, as late auditor of the State of Arkansas.

#### CONGRESSIONAL ELECTIONS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being the resolution reported by the Senator from New York [Mr. EVARTS] from the Committee on Privileges and Elections to revise the existing laws regulating elections of members of Congress. Is the Senate ready for the question upon agreeing to the resolution?

Mr. EDMUNDS. Let it be read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Privileges and Elections be directed carefully to revise the existing laws regulating elections of members of Congress, with a view of providing for a more complete protection of the exercise of the elective franchise, and for the punishment of offenses against it, and to report to the next legislative session of the Senate by bill or otherwise.

The PRESIDENT *pro tempore*. Is the Senate ready for the question on agreeing to the resolution which has just been read?

Mr. SPOONER. Mr. President, I do not intend to debate, so far as I now know, that resolution. When the Senate adjourned last evening the Senator from New York [Mr. EVARTS] had the floor for the purpose, as I understood, of submitting remarks upon it, and as he is not present at this time I supposed that it would be informally laid aside.

Mr. SHERMAN. Let it stand over until he comes in.

Mr. MITCHELL. I ask that the pending business may be temporarily laid aside, and that I may be permitted to offer a resolution.

The PRESIDENT *pro tempore*. The resolution will be received if there be no objection.

#### KLAMATH INDIAN RESERVATION IN CALIFORNIA.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate what proceedings, if any, have been had in his Department relative to the survey and sale of the Klamath Indian reservation, in the State of California, in pursuance of the provisions of the act approved April 8, 1864, entitled "An act to provide for the better organization of Indian affairs in California."

#### DISTRICT MILITIA.

Mr. EDMUNDS. Mr. President, the Senate is thin and the Senator from New York, who has the floor, is absent. Therefore, unless there is something pressing, I move that the Senate adjourn.

Mr. HOAR. Let us go on and do other business.

Mr. HAWLEY. I very much desire to have a little bill finished that was under consideration the other day.

Mr. EDMUNDS. If the resolution reported from the Committee on Privileges and Elections can be laid aside informally, so that it will not lose its place, I do not object.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the pending business is informally laid aside.

Mr. HAWLEY. I ask unanimous consent to proceed to the consideration of a bill that was debated for a while the other day upon which we practically arrived at an understanding—House bill No. 4961, Calendar number 2648.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 4961) to provide for the organization of the militia of the District of Columbia.

Mr. HAWLEY. That bill has been read. The Senator from Missouri [Mr. COCKRELL] offered an amendment which, I presume, he will renew. This begins practically *de novo*.

Mr. COCKRELL. The amendment was pending.

Mr. HAWLEY. Do we take up the proceedings where they were left off, or, according to parliamentary law, would not the whole proceedings drop then? Will the Chair inform me does the Senate resume the consideration at the point where it left off the other night?

The PRESIDENT *pro tempore*. If the Senate proceeds to the consideration of the bill moved by the Senator from Connecticut, the question pending at the time when the bill was last under consideration will be the one submitted to the Senate.

Mr. COCKRELL. The question, then, is on agreeing to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. COCKRELL. I simply say that the amendment I offered is the bill that was fully considered in the Senate and passed by the Senate.

Mr. HAWLEY. And I beg leave to add that the House bill that comes here covers very much the same ground; but it is an improvement in some respects, and the Senate bill is an improvement in other respects. A conference will no doubt make a good bill from the two.

The PRESIDENT *pro tempore*. The question is on the amendment moved by the Senator from Missouri.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HAWLEY. I move that the Senate insist on its amendment, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

#### ORDER OF BUSINESS.

Mr. TELLER. I desire to call up Calendar 1464, being the bill (S. 1030) to submit to the Court of Claims for adjudication the title of William McGarraban to the mineral interest of the rancho "Panoche Grande" in the State of California, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from New York is entitled to the floor on the pending business (which was informally laid aside) if he desires to proceed.

Mr. TELLER. I will not call this bill up now if the Senator from New York desires to go on.

#### CONGRESSIONAL ELECTIONS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being the resolution reported from the Committee on Privileges and Elections in relation to Congressional elections. The Senator from New York [Mr. EVARTS] is entitled to the floor.

Mr. EVARTS. Mr. President, the Committee on Privileges and Elections were put in charge of an inquiry into transactions in Washington County, Texas. These transactions had to do with the election of 1886, which was in part a municipal election covering an important number of offices and embracing many candidates, a large list upon either side. There was also at the same time an election for a member of Congress in the Congressional district of which Washington County formed a part. There was no particular excitement in the canvass or preparation for the election that I am aware of, as appeared before the committee, in respect of the election of a Congressman, but there was a very animated canvass and a very wide-spread interest in the result of the municipal election. As the elements of that controversy there came to be a great disturbance at various polls held within that county; and owing to this earnest contest for place and for predominance of party, and from incidents that occurred in it, there came about following the election a proscription in the population there of certain active Republicans who had taken a part, a distinctive part, an aggressive part, if you please, on the one side, as against a distinctive and aggressive part taken on the other side in disposing of the result of the contest.

By that proscription it was alleged that certain Republican citizens had been driven from their homes by violence and threats of violence, by fear of their lives, and to the sacrifice of their property of which they were owners in that county, producing a fatal result to their interests not to be repaired. A very well conceived, a very clearly expressed petition from three of the victims of this proscription was presented to the Senate, and I will introduce the situation by reading their own statement of the positions which they held in the community and among their neighbors at the time of this election:

Your petitioner, Stephen A. Hackworth, is a native-born citizen of said Washington County, Texas; has resided a greater part of his life in said city of Brenham; is now forty-seven years of age; is by occupation a dealer in real estate; and from 1870 to 1882 held several civil positions in said county; owned real estate and personal property in said city of Brenham to the value of \$4,000; was comfortably situated, the income from his business securing an assured support for himself and family.

Your petitioner, James L. Moore, is a native of the State of Alabama, but has been a citizen of said Washington County, Texas, since 1866; is now forty-five years of age, and by occupation a merchant; and from 1876 to 1882 held the office of district clerk, and from 1882 to 1884 held the office of sheriff of said county; owned real and personal property in said city of Brenham to the value of \$6,000; was comfortably situated and earning a comfortable living for himself and family.

Your petitioner, Carl Schutze, was born in Germany, but was many years ago naturalized, and has resided in the United States during the past thirty years, and has been a citizen of said Washington County since 1871; is now thirty-five years of age and unmarried; is by profession a lawyer, and from 1877 to 1880 held the office of district attorney of said county and State; was until recently editor of a German Republican newspaper published at the said city of Brenham, known as the *Staats Zeitung*; was comfortably situated, owning personal property to the value of \$3,000; the income from his profession and paper earning him a competent support.

These statements are verified by the evidence and are accepted and reported by the committee as showing their situation in that community before this alleged proscription drove them from home.

Your petitioners are white citizens of the United States, and dared to believe and maintain the right to be Republicans in politics.

For this, their only crime, your petitioners are now exiles from their homes, having been compelled to leave under serious threats of assassination, and abandon their property or accept for it such prices as were proffered them.

Your petitioner, S. A. Hackworth, was obliged to sell his homestead for \$1,150, being less than one-half its real value.

Your petitioner, James L. Moore, was obliged to sell his homestead for \$2,000, being less than one-half its real value.

Your petitioner, Carl Schutze, was compelled to remove his paper to Galveston, Tex., thereby destroying its patronage and support, and preventing him from obtaining even one-tenth of its real value.

These were the grievances that had been suffered by these petitioners, and the committee have found in substance and effect that these grievances were suffered by them with no pretense of exercise of this power against them that is at all supported in the evidence except their activity in the canvass and in support of the ticket and the principles of the Republican party.

It will be easily understood, if we left out of view any other circumstances or influences that govern the actions of men, if we left out of view all but the elements of this transaction which belong to the character and situation of these men and the surrounding population under whose proscription they suffered these injuries—it must be admitted by all that no greater encroachments upon the dearest rights of the common citizens of the country could ever be practiced than those which have been practiced upon them. And when therefore the committee came to the conclusions they did on the general propositions of their attitude there in this home of theirs and in the exercise of rights not denied or to be denied to any citizen of the United States, and when out of political transactions, political excitements, local inflammations, this strange consequence had been visited upon the mere exercise of suffrage, the committee were prepared to look with interest upon the further investigation that was to show what there was in the circumstances of the election and in this antagonism between political parties and the ordinary efforts of candidates and of parties that could have produced out of what upon the face of things should be a perfectly quiet and lawful exercise of the suffrage this extraordinary result.

It was quite important, though not wholly necessary, that at the outset of our examination, as we shall submit it to the Senate, and I shall hope to point out in its outlines and principal features, we should see whether there was any just ground upon which the evidence submitted to us would present these aggrieved sufferers in any attitude of disfavor or discredit with their neighbors and their friends in the ordinary conduct of citizenship and in the probity of life. We could not find, and we have so reported, that these citizens can be accused of any such misconduct as should place them or did place them out of the ordinary relations that belong to the peaceful and quiet citizen.

Whatever allowance might properly be made for the acerbities and irritations which belong to politics, whatever might properly be yielded to the adverse observations and the different aspects in which the conduct of these citizens could be placed, there was not, in our judgment, anything that should disturb us in our treatment of this investigation and the results that we should assign to it, that should at all vary this transaction from being in substance and effect an inflammation and agitation in politics and with no other rightful basis for irritation or proscription towards these sufferers than that which belongs to this excited canvass between parties situated as they were and as I shall disclose.

With this view taken of the situation of these citizens at home, we also were of the opinion and are of the opinion from the testimony which has been fully expanded before the committee and thoroughly and earnestly canvassed by cross-examination, and also by the light shed upon it by bitter and earnest political opponents, some of the persons themselves deeply involved in the inculcated conduct which it is the purpose of the Senate to pass judgment upon—we think there has been no other aspersion of these sufferers from proscription than such as belongs to the canvass, the excitements, the oppositions, and the severities of canvass that attend elections.

The testimony they gave, not very much of it depending wholly upon their own evidence, is entitled, as we submit to the Senate, to the same credit that we have given to them, not everything that they have said must be taken as accurate and as complete, and that countervailing evidence may not be rightfully brought to qualify or reduce or



to fill out the testimony given in behalf of these petitioners, but that there is no discredit thrown upon the truthfulness of the statements of these petitioners.

The next situation that I need to call attention to will be the political situation before the election of 1886. Washington County, Texas, is a county, as I understand, largely occupied by farms and peopled by farmers. There is a very large proportion of white population there of the Germans, who, so far as I can understand from the testimony, are good citizens, good farmers, and a good population in all the ordinary sense of the make up of neighborhoods of this kind.

The election of 1886 was for county officers, as I have said, and for a member of Congress. As between the two great political parties of the county, Republican and Democratic, the voters were divided according to various estimates in about the proportion of a Republican majority of from 600 to 1,600 out of an aggregate vote of 5,600. As between the voters of that county, the division between white and colored voters was about 2,500 to 3,100 of whites and about 2,500 to 2,800 of colored, thus producing a somewhat nearly equal division between the white and colored population. There was a large element of German citizens and voters in that county, namely 1,900, 1,600 of whom were Republicans, and it is estimated that on a full count of white voters alone the Republicans outnumbered the Democrats by a majority of 300 at least, and probably by 500 or more.

The plan upon which this report has been made is to append to such propositions of fact as I have stated wherever they may occur in these elections the testimony, intending to present as reasonably as may be the opposite estimates and views of every point considered. Of course in a great body of testimony like this, testimony which began in February, 1887, and was not closed until March, 1888, testimony of some 700 pages with the prolixity, and the necessary prolixity, of direct examinations and cross-examinations of a multitude of witnesses, I think sixty or more having been examined, it is not easy either to be sure that you select adequately to show the situation that the testimony should present nor to be quite secure that you can make it impartial, but the fairest way, as the committee thought, was, while stating distinctly their conclusions upon any point of fact or of the elements of controversy, to take such extracts as could be conveniently grouped from whatever part of the testimony the evidence was to be drawn, grouped under these heads. It was a work of considerable labor, and I hope that an examination by the Senate, if they shall read the evidence adduced in the report and then carry their investigation further by reading the body of the testimony, will show that this has been successfully, as it has been very seriously, undertaken by the committee.

Besides this testimony there comes to be added a record of a trial that was held in Texas involving an investigation into the transactions of this disturbed election, which took place at the August term of the United States court in 1887. The indictment and the result of the jury's deliberations in their verdict and the full record of the stenographic report of the evidence taken are appended to the volume of the testimony proper taken by our committee.

Mr. GEORGE. The entire testimony in the case?

Mr. EVARTS. The full record. This record was brought also to the notice of the committee and was exposed to the examination of some part of the important witnesses after that trial had been concluded, and therefore in our testimony as we have recorded it and presented it as the basis for our conclusions, we have not hesitated to embody from this record as well as from our own testimony what from authentic assurance bears upon particular points.

That being the situation of the political divisions between the two classes of population depending upon color, I will ask attention as briefly as may be to the particular transactions themselves at each of the polls where encroachment upon the suffrage and the rights of voters was practiced, and to the incidents, not necessary to that, but the incidents that did grow out of these disturbances, incidents of the most excited nature, which of course tended to aggravate, on all sides if you please, the severity of the antagonisms that were provoked by the mere innovations upon the suffrage if no such great injuries had followed to life.

This county has I do not know how many precincts, but at four precincts independent and not connected there were great interferences with the suffrage, and I will begin with that at the polls in Chapel Hill district. But in order here to understand fully the transaction of the election of 1886 it is necessary to look back upon the election of 1884. At the election in 1884, which was of the same nature, that is, for county officers and for a member of Congress, disturbances had arisen at the polls held there and the remembrance on all sides of those occurrences had a direct bearing upon the fate of the election in 1886.

The Republican party in this county of Washington had been in possession of local power substantially since the close of the war until 1884, when a very vigorous effort was made on the part of the opponents of the Republican party there and of the administrators of affairs that had thus been committed to them to substitute a new set of officers and give supremacy to the opposite party. That effort, that canvass, that conflict ended in the success of the opponents of the Republican party and placed in power from that time onward to 1886 representatives of the opponents of the Republican party.

At the election in 1884, which was the critical period of contest for a continuance of power by the Republicans or the subversion of it, this occurred at Chapel Hill precinct. I read from the report:

At that election the ballot-boxes then in the possession of the officers of election, being colored men, were "raided"—

Using a phrase that is familiar to all of us, unhappily—

at 3 or 4 o'clock in the morning after the day of election by masked and armed men. Three of these colored officers of election were shot, and one of them died of his wounds, but the other two recovered.

One of these men, by hiding with the ballot-boxes under the table, was able to escape, and the ballots were brought in and counted and returned. No efforts were made apparently to discover or punish the actors in this outrage and murder.

In preparation for the election of 1886 the Chapel Hill district was divided into three precincts, and one of the precincts was known as Chadwick's Gin. The polls were not opened at this precinct at all during the election of 1886, and the situation by which the opening of the polls was discouraged or prevented can be most readily understood by reading a few words in our report on that subject:

There was also a large attendance of colored voters ready and desirous to vote the Republican ticket. Mr. J. M. Nicholson, a white man and a Democrat, and enlisted in the success of the "People's ticket"—

Which was the form given to the opposition to the Republican ticket—

attended with proper papers and stated his readiness to open the polls if a necessary number of competent men to conduct the election would volunteer. He declined to serve in the number, assigning as an excuse that he was suffering from neuralgia. The voters staid about the polls through the day in the hope of being able to vote. Mr. Nicholson staid there himself through the day.

His statements are that there were not enough men, black and white, competent in intelligence and ability to read and write, to make up the necessary number. The colored men declined to undertake it. There were sundry white men attending there armed. Some colored men had been advised not to take part in the election. Others showed an unwillingness to undertake the conduct of the election unless some white men were in the board.

Apparently—

The committee say—

Apparently the occurrences at the last election were understood by all, and it seems to the committee that there would have been no difficulty in organizing a competent board if the white men had wished it organized and had been willing to share in that duty, but that the colored men were afraid to expose themselves to the perils of the service if unsupported by the participation of white men. The failure to hold the polls at this precinct, the committee thinks, is chargeable to the leaders of the opposition ticket and in that interest, with the motive to discourage and suppress the Republican vote there, and to the colored Republican voters being unwilling to expose themselves to the fate which was visited upon the colored judges of the election at Chapel Hill in 1884. A few extracts from the testimony are cited to this point.

Passages are cited from the evidence that bring us to that conclusion. This was a strong Republican precinct, and the vote therefore by whatever degree of oppression or inquiry it may have been attended, the refusal to open the polls or their not being opened of course excluded the apparent and expected majority of the Republican ticket.

The next district that we have occasion to consider is that of Lott's Store.

This was a strong Republican precinct. The election was quiet and not interfered with. The votes cast for the Republicans were 156, those for the opposition were 33. The latter were all white and Democratic, and the former all Republican. The clerk of the election, a Democrat, after the count, started with a companion to take the ballot and the tally-sheets to Brenham, to make the return there in accordance with his duty. This was on the day after the election, and as they were nearing Brenham, after dark, three armed and masked men stopped the carriage and demanded, under threats to fire, the surrender of the ballot-box and the tally-sheets. The clerk refused to hand over the ballot-box and the armed men took it from the carriage. They then required the delivery of the tally-sheets and the clerk gave them up. The clerk reported this transaction to the county clerk and the judge, both of whom were on the opposition, Lewis and Kirk, but nothing was done about it, and the vote at Lott's Store was thus suppressed.

The clerk of the election, Mr. Spann, who it is, I believe, stated was a Democrat, gives his own statement upon that point.

Mr. GEORGE. What election was that?

Mr. EVARTS. Except in the first preliminary instance it was all in 1886. That was all suppressed.

Then the polls at Graball's, another precinct, need attention.

This was a strong Republican precinct, and the colored people were there some five to one of the whites. The election proceeded quietly, and while the count was going on, and it had been ascertained that the votes cast were 347 and they had counted and strung all the votes but 96, which were still in the ballot-box, three armed and masked men entered the room, called the judges to "hold up," and at the point of the pistol seized the ballot-box, the string of votes, and one of the tally-sheets. The ballot-box they carried away, and while still in the room they tore up the votes and the tally-sheet they seized. The tally-sheet which one of the judges had retained was carried to Brenham and delivered to the county judge, Lafayette Kirk. There is some indistinctness, from conflict and obscurity in the testimony, as to the exact state of the polls.

The committee, however, thinks that there was a majority of something like 100 for the straight Republican ticket among the votes strung, and that all ballots remaining in the box were Republican. Not long before the "raid" upon the ballot-box, a prominent Democrat had entered the room and conferred with one of the Democratic judges, and read a note to him and left it with him, the contents of which the committee was not able to ascertain. The manner in which the seizure of the votes and the ballot-box was made is shown in the testimony.

And the citations are given.

I come now to the fourth vote, and that was at Flewellen's, and that transaction embraced in it a most lamentable occurrence without reference to the question of the fatal result, and that was the slaying of



young Bolton, and as briefly as possible the committee have set forth that occurrence, and I will read it from the report:

At about 12 m. of election day Kirk, who was a candidate for county judge on the People's ticket, sent a telegram from Brenham to D. D. Bolton at Courtney, near Graball's, who was on the same ticket as county commissioner, in these words:

"Things here look doubtful. Do your work."

There had been an agreement the day before for the conveyance of information as to the look of the voting. D. D. Bolton received this message at dusk and showed it to his son Dewees Bolton, and on starting for his home, not distant, directed his son to come with him, and he did so. Graball's is 4½ miles from Flewellen's. The latter polls was a strong Republican and colored voting-place.

The election was quietly conducted and the officers were engaged in counting the votes when Kirk came in, inquired how the votes were running, looked at the tally-list, which had been counted up to 69 out of about 159 votes, and looking over the tally-sheet on the table, called out, "Jimmie Hewitt 43, and Charlie Herbst 19." These were Hewitt, colored, Republican, and Herbst, Democrat, opposing candidates for district clerk. Kirk called the presiding judge, white and Democrat, Robinson, out of the room, and after a few minutes Robinson returned alone. They went on with the count and in about half an hour a knocking was heard upon a closed door, and upon its being repeated, an answer was made from the room, "Come in." The door was opened from without, whether by force or not seems uncertain, and three men, armed and disguised, presented their pistols and some or one of them called out, "Hold up" or "Hands up," and demanded the ballot-box.

The foremost man in entering turned out to be young Bolton. There were several colored men in the room, unarmed and peaceable; but one of them, Polk Hill, passed out of the room, through a door opposite that at which the entrance was asked, into a gallery where there were some shotguns. Instantly upon the demand of the ballot-box at the point of the pistol, a shotgun was fired from the gallery through the partly open door and young Bolton fell dead across the threshold, his pistol falling at his feet. He was disguised in a yellow waterproof, called a "slicker," covering his body, and a white handkerchief covering the face below the eyes, knotted behind his neck. All in the room fled at once in dismay, and the dead man was left alone, uncared for, as he lay, all night, the lamp burning brightly.

Towards morning Presiding Judge Robinson persuaded an aged colored man, his neighbor, Alfred Jones, to leave the sick-bed of his wife and go with him to the scene of the homicide on the plea that he was afraid to go alone. This man had no knowledge of the bloody occurrence until informed of it by Robinson, but their visit to the dead body, which had been untouched, the inspection of the *corpus delicti*, and observation of the scene of the transaction, cost him his life. This made him a witness of the disguise, and the murderous weapon of Bolton, and the manner of his fall. When afterwards an attempt was made to make out Bolton an unarmed and undisguised and innocent and peaceful visitor to the polling place, and slain by unprovoked violence of the colored men, Alfred was arrested, put in jail, and hung, upon no conceivable incentive but to make way with his testimony.

The ballot-box was emptied, the ballots scattered about the floor, and were not counted in the election.

The following extracts from the testimony exhibit in bold features the bloody catastrophe at Flewellen's.

Lamentable as was this transaction, there followed a greater loss and certainly a more deliberate taking of life as a consequence of this bloody occurrence at the polls. After the election Judge Kirk, who was the county judge elected in 1884 and a candidate for re-election and re-elected in this unfortunate election, issued this committal:

*The State of Texas to the sheriff or any constable of Harris County, greeting:*

You are hereby commanded that you take into custody, and commit to the jail of your county, Steve Jackson, Alfred Jones, Ephraim Jones, Shad Felder, John Glass, William Davis, Phelix Kinlow, Andy Hays, charged with murder, and there safely keep to appear at the next term of our county court, to be held at Brenham on the 19th day of November, 1886, unless he gives good and sufficient bond in the sum of \$500.

Given under my hand officially this 9th day of November, A. D. 1886.

[SEAL.]

LAFAYETTE KIRK,  
County Judge, W. Co.

Issued 9th November, 1886.

This commitment included five colored men. The only ground of committal at all was that assigned in this commitment, and that was murder; but by the laws of Texas, as we were advised and is almost apparent without an inquiry, a commitment for murder upon a mere suretyship of \$500 is foreign to our system of jurisprudence, and the committee must look at this as a comprehension in this form of law of these unfortunate colored men that they might be there kept and dealt with as might be conceived in the future. There they were, at any rate, shut up under a commitment which I am told—though of course subject to correction, if I shall hear it from the Senators from that State—a commitment that on its face was not lawful, as it was a commitment only on conditions of suretyship of \$500, the law being that there can be no bail for murder without examination. That is on commitment, and never after that except on examination.

Upon some demonstration or indication that an attack would be made on the jail, these prisoners were sent to Houston and there held in jail. While there the prisoners were visited by their counsel, Mr. F. D. Jodon, who there prepared the papers to take them out of jail by habeas corpus. With Mr. Jodon was associated Mr. C. R. Breedlove, a prominent lawyer and citizen of Brenham, a Democrat, and they had been retained professionally and fees paid them by the friends of the prisoners.

The papers are according to the forms and one of them is set forth which is adequate for understanding the real situation.

On the 18th or 19th of November these prisoners, without any application to that end, as far as appears, and after these papers were ready for their presentation to the judge of the district of Houston, but before their presentation, were sent back to Brenham and lodged in jail. This transfer required the preparation of a new set of papers. On the 2d of December, about midnight or a little later, the jail was visited by an armed and masked company, some six or eight in number. The guards were awake and away from the jail and in the adjacent court-house, up stairs, sitting by the stove. The town constable on watch that night was upstairs with these guards, and upon hearing the noise and looking from their windows the three men started to go down the street. They were covered by the guns of some of the assailants of the jail and ordered to "keep quiet" and they would not be hurt, and they returned to the room and

remained there to look out upon the removal of three prisoners from the jail by this company of armed and masked men.

These midnight visitors were admitted by the jailer, they informing him that they had a prisoner for the jail. The jailer, who seems to have had the keys of the cells in his hands, laid them down by the lamp which he deposited on a table in full sight. The armed men entering forced the jailer behind the opened door, threw a waterproof over his head, and two men held guard over him. The demand of the keys from the jailer was superseded by their observing the keys in sight.

Some of the party opened the cells of the eight colored men, ascertained from them their respective names, selected from them Alfred Jones, Ephraim (called also Stuart) Jones, and Shad Felder, and leaving the other five locked in their cells, took these three from the jail. They marched their pinioned captives before them out through the streets of the town, where they were joined by a mounted armed escort, spoken of variously as from twenty-five to seventy-five. The cavalcade conducted their captives along the public road to a point about a mile from Brenham. Here these colored men were hung "on a pecan tree," and there left until they were cut down the next morning by citizens who had come from the town.

The dead bodies were taken to the jail, when, in the language of the local paper, the Brenham Banner, "new drawers, undershirts, and nice shrouds were purchased and good coffins procured, and the bodies prepared for burial, after which they were turned over to their friends and relatives, who took them to their homes near Flewellen's for burial."

A coroner's inquest was held, evidence heard, and the conclusion reached was—

"We, the jury, find that A. Jones, E. Jones, and S. Felder came to death by being hanged by parties to us unknown."

It does not appear to the committee that any participation, certainly any guilty complicity, in the death of Bolton was imputed by any one to either of these murdered men. The selection for execution, from among the eight imprisoned, was careful, deliberate, and systematic. The other five were immediately set at large on merely formal bonds of \$500 each. Polk Hill, then and now in custody, was the only person suspected or accused of being the actor in the homicide.

I have spoken already of the illegality of the commitment, and there was no other charge against these men except the charge of murder.

The committee is, therefore, upon all the evidence, of the opinion that these murders were each committed upon the motive and in the interest of the policy and purpose that had countenanced and caused the "raids" on the ballot-boxes at that election. The sacrifice of these worthy and blameless lives was demanded for the suppression of their evidence, which would have demonstrated the death of Bolton as befaling him in the act of a preconcerted attack upon the ballot-box at Flewellen's to defeat the election of the Republican ticket. The committee can not find any escape from this conclusion upon the whole body and weight of the testimony.

Then extracts, to a considerable extent, are given.

In our conduct of this examination we gave the largest and the most liberal system of inquiries that was asked for on either side. We desired that these should be as full and as honest and as adequate upon all, not these mere distinct and evident facts that would be included within a narrow compass, but all that should fairly enter, upon the demand of either side, into all the occurrences and circumstances, states of feeling, rumors, conditions of solicitude or fear that could bear reasonably or at all upon any explanation, we will not say justification, for perhaps no one would claim any such justification, but such like aspect that would relieve the occurrences from the natural judgment in the conduct of men on the part of all honest, peace-loving people.

One of the first lines of this inquiry was to see whether any efforts to punish the raids perpetrated upon the ballot-box, or to discover or punish the murders of colored men had taken place. Our conclusions are set forth very definitely that we can not find that there was any such effort or any such action. There was a coroner's jury, and the verdict was as I have stated it. But if Senators will examine the body of the testimony they will find that there was a prevalent fear under caution of self-protection that pervaded the weaker portion of the community, the colored race, and a very strong enlistment on the part of the managers, and leaders, and body, if you please, of the white organization in politics and in society, that should leave it as bare as possible from anything like exaggeration of wrong on the part of the perpetrators of these injuries, and no tone that we could discover of public opinion or of even a very limited cohesion on the part of citizens of this neighborhood towards discovering and punishing these heinous offenses.

The evidence is spread out, and we regarded it as not an unimportant matter. Of course, when we confine ourselves to the mere *corpus delicti*, the criminal assassination as a matter of indictment and punishment, these extraneous examinations have no efficacy in law or in logic; but they may bear upon the heinousness of the offense and the degree of punishment with which a guilty person should be visited.

But that was not the inquiry here. The inquiry was not what it would have been before a grand jury looking only to the indictment of any of the discovered perpetrators of this hanging of the colored men or of the transaction on the side of Bolton. Really the very subject-matter of our inquiry was that these proscribed and exiled petitioners were themselves made the victims of this incitement and inflammation and violence on the part of that community.

I do not think that any one who reads the whole body of the testimony can hesitate to think that there is no evidence to them, as there has been, as we say, no evidence to us, that can disturb or vary the conclusion that the community did not arouse themselves to any resentment whatever over this inflection upon the black men, nor in any punishment of the violence and injuries to the sufferers. There did occur, after our examination was well under way, a criminal prosecution in the courts of the United States, which I am glad to think and glad to say was earnestly and honestly conducted by the United States



attorney of the district within which the cognizance of these crimes fell, and the judge was firm.

Mr. HOAR. Will the Senator state what was the charge, the issue in that criminal prosecution?

Mr. EVARTS. Senators will see that the only jurisdiction of the United States court was under our provisions protecting the suffrage and punishing violation of it to a certain extent, partaking substantially only of the nature of conspiracies, and the indictment pursued the lines entirely of an interference with the polls. Of course, the crime of the hanging of the black men was a crime under the laws of Texas not under the laws of the United States. There was no possibility of pursuing to punishment any of the guilty perpetrators if they could have been found and if the evidence could be brought against them.

This indictment is not copied in the report, but is found in the body of the record, at pages 646 and on. There were three counts, but all pursuing this same line. The persons accused upon each of these counts included Mr. Kirk and various others, eight or ten, and the result of the trial was:

We, the jury, find as follows:

On the first count in the indictment we can not agree.  
On the second count in the indictment we find the defendants Lafayette Kirk, Bayliss Wisenart, Joda Route, Joe Tolan, and Will Crawford not guilty; and as to the defendants Milton Sly and John Crawford we can not agree.  
On the third count in the indictment we can not agree.

The result of that prosecution, however honestly conducted and faithfully, as I understand it to have been, by the United States attorney and by the judge in the conduct of the trial, as belonged to him as a judge, was wholly ineffectual.

Mr. COKE. I will state to the Senator, if he will permit me, that I understood that afterwards those parties were tried again and acquitted.

Mr. EVARTS. That was the situation of this trial, and then a second trial was had considerably later, I imagine.

Mr. COKE. Yes, sir.

Mr. EVARTS. The result of which was that there was no conviction and all were acquitted. So that is a very good illustration of the very imperfect condition of our protective legislation affecting the suffrage under the Federal rights and powers under the Constitution. Therefore what we must consider in our conclusion, so far as it goes, it seems to us borne out, that when the actual transactions were of the very distinct nature I have stated—I now refer wholly to the violence to the polls, the ballot-box, etc.—for some reason or other under the indictment for conspiracy against the suffrage, the ballot-box, etc., the prosecutions were wholly fruitless.

Another subject of interest was one to which we gave the largest liberty, although we regarded it a remote consideration as really bearing upon the very transactions themselves, which had for their principal substance and results the exile of these petitioners. Yet it was allowed, and that is what was proved under the head of the "conduct of county affairs by the Republican party prior to the election of 1884." There is a good deal of evidence bearing upon this topic, and the important parts, as I think, are cited here.

The effort was made to show, and certainly was not at all curtailed or embarrassed by the committee in the freedom of its allowance in showing, that this Republican administration of affairs in this community, in this local government, had been a corrupt, an incompetent, an unsatisfactory, a harmful and pernicious conduct of power which had excited and aroused resentments that would color and infuse into the canvass elements that were not of this division of parties proper or division between the distinctions of color.

It appeared that the conduct of affairs was from the disordered state of things immediately following the war, and was continued in the same hands, not always the same officers, until 1884; and it was said that the situation and the record of that administration of affairs justified and led to a subversion of Republican control there, which might have been a very good reason for accomplishing those results by the ordinary means which excite opinions and influence conduct through the peaceful methods of the suffrage. But we do not find that there was any such extravagance of misconduct or incompetency or corruption in the management of affairs there as is imputed. It was, I think, not until 1875 or 1876 that the laws of Texas allowed land to be sold for taxes. There was an interval of some years, I think, up to that time, which would carry us ten years after the close of the war. The people were all poor from the war, and the resource for the conduct of public affairs was not very ample, especially if there was no sanction permitted to the sale of property for taxes, and most of the property was real estate there. But they rubbed along as well as they might. The public securities were down at one time as low as 20 or 30, and it had worked out prior to 1884 until this scrip was up to, as some say, from 80 to 85, and others say from 85 to 90. So you will perceive that, so far as that conduct of affairs was concerned, nothing could be said in the way of plunder or of spoliation that had shown that these parties were going from worse to worse. It is shown also that public improvements had taken place and been paid for out of the imperfect resources of that community.

Then it was said that there had been peculations and embezzlements; but after all it was reduced, as I think, to this, that there were only two

persons who were really brought to responsible charge for these accusations, two of them being under indictments, the result of one of which was the acquittal of the accused, and of the other, if I am right about it, a nolle prosequi. So an aggregation or accumulation or mass of misconduct that would carry a community out of the methods, and powerful methods, which belong to peaceful discussions of such subjects does not seem upon this evidence to have found any place that would justify any exasperation of feeling.

Then there was a point made, and a feeling to some extent prevailed perhaps, though it was searched pretty thoroughly and not found to be very substantial, that as an attendant or in concurrence with this imprisonment of black men and their execution the public there were in a state of alarm or of terror against an expectation or a fear that in some parts of that country an insurrection or violent combinations on the part of colored men might invade the peace and expose the lives of that community. To that also very thorough examination was given, with everything that belonged to rumors and fears and facts. We are not wrong in concluding that as a matter of fact there never was such an element of movement and of purpose or combination on the part of the colored people.

Then the question was, how much fear there was of that; and fear might take the place of fact, of course, in affecting judgment. It was very difficult for us to come to a conclusion that there was any real fear on the part of the people in Brenham or in the suburbs of Brenham which really showed that they were arrayed for themselves and for their color against any such combinations. But this evidence is very fully shown in the report of the committee, and from the different aspects which Senators bring to such matters, in regard to which, of course, there are those more conversant than I am with the condition of Southern feeling and of Southern fears in this neighborhood, or in any populations where there is a nearly equal division between the blacks and whites; they are better able to judge perhaps than I am as to whether vagueness and unsubstantial fears really may have prevailed upon a state of facts and a condition of rumor such as is disclosed here.

Then there was another ground by which the excitement and resentful heat of popular movements against this Republican ticket and these Republican canvassers and leaders and public speakers sought to be justified, by connecting them with having made at the canvass preliminary to the election, at different gatherings, speeches which would in brief and in a somewhat summary way embrace what were called incendiary speeches. That was probed to the bottom, we think; first, as to what the speeches were; secondly, how much the people who testified about them knew what they were; and third, as to what incendiary speech meant by those people who on the proof of such facts or such utterances could be thus embraced in a charge of incendiary speeches. The committee dispose of that matter in this way:

Some color was sought to be given to the excitement in Washington County which followed the election by assigning as a contributory cause of the excesses which marked the election and its sequel the making of what were stigmatized as incendiary speeches at Republican meetings or at political gatherings of colored voters.

The committee allowed a wide range in the testimony in support and in refutation of these accusations. It seemed but fair that every opportunity should be given to present the canvass, as bearing upon this point, as accurately and intelligently as possible. The exploration of this subject has, the committee thinks, demonstrated that the accusations themselves were vague and mere hearsay; that the imputations, when reduced to any definite expressions, came to nothing more serious than the ordinary methods of political argument and persuasion; that the infusion into these arguments of any race prejudices or preferences in the canvass did not transcend the legitimate and natural scope of party zeal for candidates, and that any stimulant to passion and disorder was entirely absent from the canvass. As to any combination or incentive to accomplish any results by violence, the Republican speakers and the colored assemblies were entirely exonerated by the testimony from any such charges. A perusal of the following extracts from the testimony will, the committee submit, extinguish any impression that "incendiary speeches" entered into the canvass, and will justify its conclusion that no substantial or reasonable support for such imputations ever had any basis in fact.

What the witnesses very largely adduced, perhaps as largely as from any one, Lafayette Kirk, the Democratic judge, a political leader down there, enters into the substance of our evidence. The subject is an interesting one no doubt. It was properly inquired into, and enables perhaps all who shall care to examine into the general situation of political controversies in communities that are under the operation of a nearly equally divided population between the colored and the white, and the methods, disturbances, and consequences of irregular intrusion into what should be everywhere a peaceful exercise of the suffrage.

Mr. President, the conclusion to which the committee have come will, I hope, be conceived by all Senators who shall examine the conclusion, and will receive from them the approval of not extending beyond the absolute necessary conclusions from the evidence which we have presented. Nor have we undertaken to go into censorship of communities, or their natural or at least habitual prejudices or feelings—if they are to be called prejudices. On the very grave subject of which this transaction forms but an instance the conclusions are these:

The committee has extended its examination into the political transactions in Washington County over the widest range asked for either by the petitioners or by the inculpated parties. It has embraced in its inquiries every topic bearing upon the state of feeling prevalent in any portion of that population, or entering into the rivalries and competitions which animated the political contest out of which arose these outrages upon the freedom of election, upon the peace and order of society, upon the personal safety and immunities in their homes



of the brave and unflinching defenders, against whatever odds, of the essential and universal principles of constitutional, legal, and individual liberty which are the common right, all over the land, of citizens of the United States.

This extensive survey and patient investigation the committee has thought justified by its conviction that the actual case presented not unfairly the features that illustrate the political disorders which afflict portions of our country where the population is at all nearly divided between white and colored citizens. These disorders do not alone disturb and threaten the good fame and security of the neighborhoods where they occur, nor of the States within whose borders these disastrous mischiefs pass unchecked, unredressed, and uncondemned. They tend to weaken and set back the sincere desire of the country at large to obliterate all distinctions, as between geographical or political divisions, in the prevalence of justice, peace, good-will, and equality of right in discussing and solving all the problems which affect the welfare of this great people.

While, in the opinion of the committee, the state of feeling in these communities is not ripe to receive just and permanent impressions from investigations such as have been conducted by the Senate, it can not but expect considerable benefit in the country at large from a dispassionate and responsible exhibition of the true and the principal traits of this transaction. The moral, social, and political bearings of such a condition of things, as is displayed upon the evidence taken by the committee, upon the community in which it exists address themselves to the calm judgment of thoughtful and patriotic minds in these populations. Not less do they engage the earnest attention of the great body of the American people which are removed from the environment in which these occurrences take place.

It can not be expected that these incidents, when looked at from opposite points of view, will make the same impression or lead to the same conclusions in all parts of the country or upon all political parties. But concurrence as to the facts is the first step and a great step towards a conciliation of views and an appreciation of the influences which obstruct a concurrence of judgments. Besides, no greater element for the formation of a sound public opinion can be suggested than that a wider and wider spread should be given to a knowledge of and an interest in the real nature of this and similar proceedings wherever they may occur. Brought into the light where "a thousand intelligences may burn upon it," the truth will surely force these evils and dangers, anywhere in this country, and their consequences, upon the conscience and the responsibility of the whole people.

The statutes of the United States have treated with circumspection and vigor the difficult province of regulating Federal elections where the constitutional rights of voters are not acceptable to the general sense and interests of the communities as they understand them. These regulations, however, depend, like all other laws, for their efficacy upon the zeal, activity, intelligence, and persistency of their execution. With all these the executive department of the Government is wholly charged under the Constitution. The selection and supervision of all subordinate officers throws upon the Chief Magistrate, the President, the responsibility of seeing that the whole weight of Government is to be thrown in the protection of the elective franchise, and the punishment of all violators of the laws that have been passed to guard it. Beyond this every just, every possible authority and influence that attend upon official station should show themselves in every neighborhood as a "terror to evil-doers and a praise to them that do well." Many miscarriages, many shortcomings in reaching complete success in these efforts of the executive government may be looked upon by the people of the country with an indulgent temper. But the absence of such efforts, or a languid prosecution of them, will not long be tolerated by public opinion or left unvisited by political condemnation.

The committee recommends a careful revision of the laws, and concludes with the resolution which forms the subject of this debate as now on the Calendar of the Senate.

Mr. President, there seemed to the committee—there certainly seemed to me when this matter was first introduced for examination to the Senate—that there could be no more propitious time for an investigation than that which was open to us when this petition was presented. It was as close as possible after the last election of 1886, itself not connected with the Federal election otherwise than in respect of the choice of a Congressman, and it was as far as possible from the election and canvass for the great contest of the parties in the country at large in 1888.

It was not expected that so protracted an examination would at all be necessary, but from time to time on each side there was a demand for a larger inquiry and a reinvestigation, adducing witnesses to contradict or qualify what had proceeded from others, till when we really terminated our actual production of testimony at the end of March, 1888, it was thought then that it should be kept open during the summer. No testimony, however, was called subsequent to that time.

I can only properly here, and I hope not with any undue emphasis, call attention to the fact that while this examination was still open and unconcluded, one of the very important and valuable, not only witnesses, but valuable men, in the consent, I think, of all parties, Joe Hoffmann, as he is familiarly called, long an office-holder, a German of excellent character and conduct, having the confidence, as I believe, of that community in all that relates to probity and propriety and duty of social and other obligations, fell a victim to an assassination. In that assassination was included another victim, a very important and, as I understand, excellent man of the Democratic party, Mr. Holt, known well, I take it, to the Senators from Texas, and well known, perhaps generally, in Democratic circles. This was an assassination, and a clear assassination. These two men were sitting together in front of a restaurant, and it was the heat of a canvass for the approaching election of 1888. The same aggravations, or zeal and interest, about the municipal affairs were then in progress, and were to culminate in an election. Out of the dark, at a safe distance, the discharge of two barrels of a shotgun killed both of these men.

Mr. COKE. One Democrat and one Republican.

Mr. EVARTS. I have stated that. One of them, Mr. Holt, it was supposed might survive and recover. Hoffmann was killed instantly.

Mr. COKE. Holt died also.

Mr. EVARTS. Yes; I know. It was expected that Holt might recover, and at one turn of his wounds there was, I believe, a confident

opinion that he would recover, but by relapse or discouragement there was a disappointment of these hopes, and he died.

It is impossible not to connect this transaction, under the light of this evidence, as being a part of a continuous and protracted situation of this disturbance. Mr. Hoffmann, so far as our examination showed, had not incurred any enmity or any ill opinion in any quarter, but he was a leader in opposition to the ticket which was headed by Judge Lafayette Kirk, and it was a question of restoration of power by the Republicans or continued power in the same hands that held it.

With regard to Mr. Holt, although I think there is not any doubt that he was in all things wholly a Democrat, an important one, there is, I believe, an opinion on our part that Mr. Holt had purposed and had perhaps shown a purpose to take part against the powers that be in that coming election. I may be wrong about that, but that is our notion.

Therefore, we have this unhappy result growing out of violence unchecked, unpunished, unresisted, uncondemned, an easy occurrence two years afterwards resulting in so deplorable and wholly inexcusable murder, for there were no such heats, or rencounters or terrors or fears, vague or of any kind. It was, as it would appear, a result in execution of a systematic purpose that at whatever cost the supremacy in local affairs should be maintained by the men and the adherents of them who then held that power.

I do not propose to allude to any other occurrences connected with elections and with fatal disasters to life, but it opens the general question (and I earnestly submit to all Senators who shall discuss this matter further, as unquestionably they will and should) that this is a case in which there was a reasonable opportunity of getting at the facts; that the investigation has been conducted with as much intelligence and legal facilities as belong to the members of the committee who were intrusted as a subcommittee with the taking of testimony, Senator EUSTIS and Senator PUGH representing the minority, and Mr. SPOONER, Mr. TELLER, and myself the majority; and that the investigation has been patient. There has been no important irritation in the conduct of it. Everything has been explored. Everybody has had an opportunity on either side, at whatever expense to the Government, for neither of us thought that that was an element which for a single instant should bear upon this investigation.

If it shall be held that the majority of the committee and the majority of the subcommittee have not given as impartial and exact a view in general of this transaction as they should have done, it is to be regretted; but it is a regret not without a remedy, for the whole body of the testimony is here, and, so far as I can see, it embraces a general discussion of what the disturbing influences are that in these communities draw a distinction between what individual transactions are open to the condemnation of everybody, and those violences against the suffrage, violences that have attacked life, have sacrificed life, and those violences that have proscribed and driven away some citizens not open to condemnation by law or by society upon any general opinions of condemnation. I do not know where else we can find a better scene of transaction and a treatment of evidence that would enable us to better consider whether there is really in our affairs a great persistent power that is to suppress, overpower, and set aside the Government of the Constitution and the laws passed in pursuance of it, and the execution of the law through officers and the administration of justice, for that at last must come to be the question.

The relations of the Federal Government directly to elections in the States and the great authority the States have over those elections in regard to the absolute possession of the basis of the suffrage, except when controlled by the amendments to the Constitution, are all understood; and elections are to go on year by year, so long as any one can see, to the end of the cohesion of these States. We are one people. We are divided into States. We have one great opinion that prevails all over the United States on certain subjects, and the Constitution of the United States and its laws and the suffrage under them is one of those. There is no private or local public opinion accorded in any part of this country by either of those questions. All the States, all citizens, from Maine to Georgia and off to California, are parties, the same parties, of equal authority, of equal courage, and of equal duty. That public opinion which is the life-blood of our institutions everywhere is the public opinion that is behind the power and the duty of the Federal Government, and there is no power or right to divide off and monopolize freedom on that subject either in expression or in conclusion to one part of this country.

The magnitude of the value and of, as I hope, the perpetuity of local influence and local control over what belongs to local administration and State authority, I have no desire to disparage, either in Texas or in New York; but if it ever comes to this, that as to which of these great areas of opinion shall control, if there shall be irreconcilable conflicts between them, the end must be, as I submit, that the opinion of the whole country must finally settle that behind the law and behind the Constitution. Its prevalence, and the general and complete rights of society and of suffrage are to be as clearly, as thoroughly, and I should hope, as quietly all over this country in one part as in another.

Mr. President, I shall not go into the large considerations while the



discussion rests upon the exposure of the facts and the situation upon which the debate is to proceed. I ask that the report of the committee may be printed in the RECORD.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

The report is as follows:

Mr. EVARTS, from the Committee on Privileges and Elections, submitted the following report to accompany Senate resolutions of January 26, 1887, and February 28, 1888:

The Committee on Privileges and Elections respectfully reports that it has inquired into the circumstances and events referred to in the resolutions of the Senate passed January 26, 1887, and presents to the Senate the testimony taken before the committee and the conclusions upon such testimony to which it has come.

The resolutions referred to the committee are as follows:

#### "RESOLUTIONS.

"Whereas Stephen A. Hackworth, a native citizen of the United States and of the State of Texas; James L. Moore, a native of Alabama, and now for twenty years a citizen of Texas; and Carl Schutze, a native of Germany, for thirty years a resident of the United States and now a naturalized citizen thereof, have presented their petition to the Senate, wherein they allege that they have been driven from their homes in Washington County, Texas, and compelled to abandon their property at a great sacrifice, and that armed and lawless bands of ruffians have taken possession of and destroyed certain ballot-boxes in said county at a late election therein for county officers and member of Congress, and have murdered three citizens of said county, and overthrown republican government therein, and committed other outrages and crimes, all of which have been done in order that the majority of the voters therein may be deprived of their lawful and constitutional rights of suffrage, and that the minority may unlawfully usurp and exercise control in said county, and that the constituted authorities of said county and State refuse all remedy for said outrages and crimes:

"Be it resolved, That the Committee on Privileges and Elections be, and it is hereby, instructed to inquire into all the circumstances of, and connected with, the said alleged events, and that it report as soon as may be; and that said committee have power to send for persons and papers, to employ a stenographer, and to act by any subcommittee, and that any such subcommittee shall, for the purposes of such investigation, be a committee of the Senate to all intents and purposes.

"Be it resolved, That the necessary expenses of said committee in said investigation be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate, upon vouchers to be approved by the chairman thereof."

The petition to Congress upon which the resolutions of the Senate were based states with perspicuity and conciseness the history of the transactions in Washington County, Texas, out of which the grievances of which the petitioners complain arose, and which constitute the public grounds upon which their appeal is made to Congress to investigate these transactions, and take such action as in its wisdom may seem appropriate to its jurisdiction and duty in the premises.

The petition reads as follows:

#### "PETITION.

"To the Senate and House of Representatives of the United States:

"Your petitioners, Stephen A. Hackworth, James L. Moore, and Carl Schutze, respectfully state—

"That they are citizens of Brenham, Washington County, Texas, but that they are now refugees from their homes in consequence of political persecutions.

"That they are law-abiding citizens and are not charged with the commission of any crime whatever against the laws of said State, and they possess the confidence and esteem of all law-abiding citizens who know them.

"That, having in vain appealed for protection for their lives and property and for the security and property of their families to the local and State authorities of said county and State, they have now no other recourse except to appeal to you in the earnest hope that there may somewhere exist sufficient power to protect a citizen of the United States in his own country.

"Your petitioner, Stephen A. Hackworth, is a native-born citizen of said Washington County, Texas; has resided a greater part of his life in said city of Brenham; is now forty-seven years of age; is by occupation a dealer in real estate; and from 1870 to 1882 held several civil positions in said county; owned real estate and personal property in said city of Brenham to the value of \$4,000; was comfortably situated, the income from his business securing an assured support for himself and family.

"Your petitioner, James L. Moore, is a native of the State of Alabama, but has been a citizen of said Washington County, Texas, since 1866; is now forty-five years of age, and by occupation a merchant; and from 1876 to 1882 held the office of district clerk, and from 1882 to 1884 held the office of sheriff of said county; owned real and personal property in said city of Brenham to the value of \$6,000; was comfortably situated and earning a comfortable living for himself and family.

"Your petitioner, Carl Schutze, was born in Germany, but was many years ago naturalized, and has resided in the United States during the past thirty years, and has been a citizen of said Washington County since 1871; is now thirty-five years of age and unmarried; is by profession a lawyer, and from 1877 to 1880 held the office of district attorney of said county and State; was, until recently, editor of a German Republican newspaper, published at the said city of Brenham, known as the *Staats Zeitung*; was comfortably situated, owning personal property to the value of \$3,000; the income from his profession and paper earning him a competent support.

"Your petitioners are white citizens of the United States, and dared to believe and maintain the right to be Republicans in politics.

"For this, their only crime, your petitioners are now exiles from their homes, having been compelled to leave under serious threats of assassination, and abandon their property or accept for it such prices as were proffered them.

"Your petitioner, S. A. Hackworth, was obliged to sell his homestead for \$1,150, being less than one-half its real value.

"Your petitioner, James L. Moore, was obliged to sell his homestead for \$2,000, being less than one-half its real value.

"Your petitioner, Carl Schutze, was compelled to remove his paper to Galveston, Tex., thereby destroying its patronage and support, and preventing him from obtaining even one-tenth of its real value.

"Your petitioners would further state that at an election held on the 2d day of November last for the election of county and State officers and member of Congress from the Ninth Congressional district of Texas (of which said Congressional district said Washington County forms a part) a perfect reign of terror existed in said county, caused by armed bands of white ruffians, who, by violence and by the destruction of ballot-boxes at Graball, Flewellen's, and Lot's Store election precincts, prevented the free and fair expression of suffrage by the citizens of said county, whereby men in whose interest these crimes were committed were declared elected who were not in fact elected, and by the most shameless and unblushing frauds the election was made a farce.

"That every effort made by your petitioners and by other peaceable, law-abiding citizens to obtain lawful and peaceable redress for wrongs, and security

for their lives and property, by appeal to the local and State authorities of said county and State, has been prevented by the wanton and cruel murder of important witnesses, and by the further fact that a body of State troops, ostensibly ordered to said county by the State authorities to preserve law and order, in fact acted in open concert with the lawless men who had committed the election outrages, and were then actually engaged in terrorizing the county preparatory to the commission of other outrages, afterwards perpetrated by them.

"Your petitioners further state that, since the said 2d day of November last, no protection has existed in said county for the lives and property of citizens who are Republicans in politics; that one-half or more of the white citizens of said county are Republicans in politics, and, together with the colored citizens who are Republicans, have at least 2,000 majority votes over and above the citizens of said county who are Democrats in politics, and also own more than one-half of the real estate and personal property of said county; that said citizens are peaceable and law-abiding, and have never resorted to unlawful acts or measures to secure political ascendancy or to redress their many grievances; that if said citizens should collect in sufficient numbers to secure protection to the lives of proscribed Republicans, such an assemblage would be declared to be a 'negro insurrection' by the civil authorities, and would furnish a desirable pretext to said civil authorities and their armed bands of ruffians to call for and obtain from the State authorities sufficient re-enforcement of State troops to suppress the so-called 'negro insurrection.'

"Your petitioners further declare that in pursuance of such repressive policy, and to prevent Republicans from securing their political rights and privileges in said county, Alfred Jones, Shadrach Felder, and Stewart Jones, three colored Republicans, were arrested upon pretended and malicious charges of crime, and, while in the custody of the civil authorities of said county, were, on the 2d day of December ultimo, surrendered by said civil authorities into the hands of large numbers of armed and disguised men—known as Ku-Klux—who wantonly and cruelly hung them to death; that this outrage was committed while the friends of these men were preparing to have their cases fully heard and investigated by habeas corpus proceedings, and the civil authorities of said county, together with their leading political friends, well knowing that reasonable and adequate evidence would be obtained at such trial which would expose and make public their political crimes and outrages, ordered and instigated, as your petitioners verily believe, the death of said Alfred Jones, Shadrach Felder, and Stewart Jones; that John Ireland, governor of said State, has failed and refused to make any effort whatever to have arrested and brought to trial the lawless men who committed this outrage, although the facts were made known to him and he was earnestly requested to take prompt action therein.

"And your petitioners further declare that prompt action upon the part of the civil authorities of said county and State, together with the earnest protest of Democratic political leaders of said county and State, against the lawless acts of said bands of armed ruffians would have, at any time since the said 2d day of November last, restored the supremacy of law and order and secured ample protection to the lives and property of all citizens of said county and State; but, as already stated, no effort or protest has been made by either the said civil authorities or the leading Democratic politicians to prevent the commission of such crimes by said lawless bands of armed ruffians.

"And your petitioners further declare that there exists no republican government in said Washington County; that large numbers of citizens who are Republicans in politics have been terrorized and compelled to leave said county through open threats of murder and violence made by said lawless bands of armed ruffians, who are acting under orders of said civil authorities and leading Democratic politicians of said county and State; that the lives and property of other citizens of said county, who are unable and unwilling to leave said county, are now in great peril, and in their behalf your petitioners humbly and earnestly appeal to you for their relief and protection.

"And your petitioners further declare that the commission of such crimes and outrages is resorted to in other sections of said State, to prevent citizens who are Republicans in politics from making organized efforts to secure representation in the local and State and Federal governments, and the dangers attending such organized efforts is so well known and understood that in many sections of said State Republicans have disbanded their political organizations and abandoned all hope of securing such representation.

"And your petitioners further state that on the 4th day of December, ultimo, they were informed by a prominent member of the Democratic executive committee of said county, who was acting for, and in behalf, and with the full knowledge and consent of said Democratic executive committee and civil authorities, that if they would leave the country at once their lives would be spared, but if they refused to do so their lives would be sacrificed; and your petitioners being without hope, worn out by persecutions, and at the complete mercy of armed ruffians who were then collecting and preparing to murder them, and well knowing that their lives would be sacrificed unless they did not comply with the demands of the leading Democrats, had thus to abandon their homes and become exiles.

"And your petitioner Stephen A. Hackworth was, on the 16th day of December, ultimo, escorted to the Gulf, Colorado and Santa Fé Railway depot at said city of Brenham by members of the Democratic executive committee of said county, also by a number of friends who went with him to protect him from being murdered by armed bands of ruffians who had collected in said city of Brenham, on the 5th and 6th of December ultimo, for the purpose of murdering him if he refused to obey the demands of the said Democratic executive committee requiring him to leave said county, and as the train bore him away from the depot said lawless bands of armed ruffians rent the air with several prolonged and exultant yells of triumph. And your petitioner, S. A. Hackworth, further states that no time was given him to remove his family from said city of Brenham; and knowing it to be unsafe for him to remain in Texas, he came to Washington, D. C., where he is now temporarily residing.

"Your petitioner James L. Moore was permitted to remain until the 12th of December, ultimo, to enable him to dispose of his property, and on said date he, with his family, left Brenham for Los Angeles, Cal., where he and his family now reside.

"Your petitioner Carl Schutze was compelled to leave Brenham on said 6th of December ultimo, but returned to Brenham on the 13th of December ultimo, for the purpose of removing his paper, the *Staats Zeitung*, to Galveston, Tex., and on said 13th day of December was, while leaving the depot at Brenham for Galveston, attacked by armed ruffians, who fired two pistol shots, and also threw a heavy stone at him through the car window, but he escaped unhurt, and is now in Galveston, Tex.

"And your petitioners further say that they are unable within the limits of this petition to state all the facts and set forth the long lists of cruel crimes committed upon helpless citizens of said county because they dared to exercise their political rights as Republicans to obtain representation in the local, State, and Federal governments of the country; and your petitioners are prepared, and stand ready when called upon to do so, to establish by conclusive evidence the truth of all facts herein set forth and submitted.

"And your petitioners hereby respectfully submit all matters herein stated and complained of to your honorable body for your careful consideration, and such action as you may deem necessary to cure the evils herein stated, and thereby secure to all citizens of the United States their rights under a republican form of government in fact as well as in name.

"As in duty bound, your petitioners will ever pray.

"STEPHEN A. HACKWORTH.

"JAMES L. MOORE.

"CARL SCHUTZE.



"By the written authority and request of Messrs. James L. Moore and Carl Schutze, I have signed their names to the above and foregoing petition, this the 6th day of January, 1887.

"S. A. HACKWORTH."

Before considering the specific incidents in the election in Washington County on the 2d day of November, 1886, which make up the alleged outrages on the suffrage at the election and produced the defeat of the Republican majority, it seems to the committee due to the petitioners to express its opinions as to their character and conduct, as citizens and as participants in the disturbed politics of Washington County at and before that election.

These citizens of Washington County have been made the subjects of much criticism and contumely by the principal actors and their abettors in the political outrages, which the petitioners have denounced to public condemnation and have exposed before the committee of the Senate.

Much attempt has been made by insinuation, if not by testimony in the course of the examination, to show that these petitioners were not proscribed at home for their Republican principles and their maintenance of those principles in the methods of free speech, free suffrage, and political organization which are the common right of all parties and of all citizens. It has been pressed upon the attention of the committee that, as a matter of fact, these petitioners were not, subsequent to the election, in peril among the population where they lived; that they were not driven from their homes, their property sacrificed, their honest livelihood broken up, and their exile a cruel and brutal banishment by violence and fear for their lives.

#### THE PETITIONERS RESPECTABLE AND SUBSTANTIAL CITIZENS AT HOME.

The committee is unable to attach any importance to the efforts in the testimony to disparage the characters and lives of these petitioners.

But for the political agitations, the fierce passions, the violent and cruel and bloody incidents which mark the election of Washington County and its sequel, the committee is persuaded that the people of Brenham, where the petitioners had long been residents, would have found no occasion for any reflections upon them other than such as belonged to the heat of political contests for place and influence between opposing parties.

The committee, therefore, is not disposed to reduce its confidence in the faithfulness of their conduct in this election as citizens, though earnest, brave, and active partisans of Republican principles, and candidates in the canvass and management of the election. Nor does the committee find that it has any warrant, upon the whole testimony before it, to discredit the evidence these petitioners have given upon the essential points under examination upon any considerations affecting their sincerity or veracity. Whatever qualifications of their statements may properly be raised by contradictory evidence or by their enlistment in the controversy belongs to the judicial comparison of conflicting views among the witnesses, and does not, in the opinion of the committee, justify any censure on the probity of the petitioners' testimony.

The committee, therefore, is of opinion that the averments of the petitioners as to their situation in their homes in Texas and the occasion of their being compelled to flee from them are in substance and effect sustained by the evidence. These averments are as follows:

"That they are citizens of Brenham, Washington County, Texas, but that they are now refugees from their homes in consequence of political persecutions.

"That they are law-abiding citizens and are not charged with the commission of any crime whatever against the laws of said State, and they possess the confidence and esteem of all law-abiding citizens who know them.

"Your petitioner, Stephen A. Hackworth, is a native-born citizen of said Washington County, Texas; has resided a greater part of his life in said city of Brenham; is now forty-seven years of age; is by occupation a dealer in real estate; and from 1870 to 1882 held several civil positions in said county; owned real estate and personal property in said city of Brenham to the value of \$4,000; was comfortably situated, the income from his business securing an assured support for himself and family.

"Your petitioner, James L. Moore, is a native of the State of Alabama, but has been a citizen of said Washington County, Texas, since 1866; is now forty-five years of age, and by occupation a merchant; and from 1876 to 1882 held the office of district clerk, and from 1882 to 1884 held the office of sheriff of said county; owned real and personal property in said city of Brenham to the value of \$6,000; was comfortably situated and earning a comfortable living for himself and family.

"Your petitioner, Carl Schutze, was born in Germany, but was many years ago naturalized, and has resided in the United States during the past thirty years, and has been a citizen of said Washington County since 1871; is now thirty-five years of age and unmarried; is by profession a lawyer, and from 1877 to 1880 held the office of district attorney of said county and State; was, until recently, editor of a German Republican newspaper, published at the said city of Brenham, known as the *Staats Zeitung*; was comfortably situated, owning personal property to the value of \$3,000; the income from his profession and paper earning him a competent support.

"Your petitioners are white citizens of the United States, and dared to believe and maintain the right to be Republicans in politics.

"For this, their only crime, your petitioners are now exiles from their homes, having been compelled to leave under serious threats of assassination, and abandon their property or accept for it such prices as were proffered them.

"Your petitioner, S. A. Hackworth, was obliged to sell his homestead for \$1,150, being less than one-half its real value.

"Your petitioner, James L. Moore, was obliged to sell his homestead for \$2,000, being less than one-half its real value.

"Your petitioner, Carl Schutze, was compelled to move his paper to Galveston, Tex., thereby destroying its patronage and support and preventing him from obtaining even one-tenth of its real value."

#### DEMONSTRATIONS WHICH DROVE THE PETITIONERS FROM THEIR HOMES IN TEXAS.

The evidence bearing upon the expulsion of the petitioners in Texas occupied much of the attention of the committee and filled many pages of the testimony.

The direct and explicit affirmative evidence in the case of each of the petitioners of their banishment under threats and fears for their lives seems to the committee wholly unimpaired in its conclusive effect by any opinions or convictions to the contrary expressed by those who would weaken or palliate the severity of their proscription and their expulsion. Some extracts from the testimony of either aspect will leave no doubt of the soundness of the conclusions which the committee has reached on this head of its inquiry.

Mr. Hackworth's testimony on this point is as follows:

"By Mr. SPOONER:

"Q. Did you receive any notices to leave?

"A. Yes, sir.

"Q. Have you got any of them?

"The WITNESS. Do you mean written notices?

"Mr. SPOONER. Yes.

"A. No, sir; I have not.

"Q. Tell us all you know about it. You left there, did you?

"A. Yes, sir.

"Q. Why did you leave?

"A. The excitement had grown so intense and the efforts we made to get these colored men released under writ of habeas corpus and their hanging had

created such a terrible excitement, that I found it would be impossible for me to remain there any longer without not only great danger to myself, but great danger to the lives of my friends.

"Q. Did you have any advice from Democrats that you ought to leave?

"A. Oh, yes, sir; a great many advised me.

"Q. I asked you a little while ago to give me the names of the parties, Democrats, who notified you, if any there were, to leave, or who advised you that it was necessary for your safety to leave?

"A. I am not willing to give the name of but one, and that is Mr. Louis Bryan, who conducted the negotiations.

"Q. Tell us about that; you know all about it?

"A. This was after the colored men were hung. I think it was on Friday, the 3d. I was up at Mr. Schutze's office and we were talking over the matter as to what we thought was best to be done. Mr. Schutze advised with me and said that he thought everything was hopeless, from the warnings we had received, and that from the state of feeling we would be compelled to leave. About that time Mr. Bryan came up in the office and inquired about a case in the court in which he was on one side and Mr. Schutze on the other side. After talking a few moments this letter of Judge Kirk's came up; I think I brought that up myself. It had been said over town that myself, Mr. Schutze, Mr. Moore, and leading Republicans had that letter written to Judge Kirk, and it was creating a great deal of bad feeling over Brenham. I knew this letter was bogus, or felt satisfied of it. I knew it was gotten up for the purpose of provoking a riot, or something of that kind, to give an excuse or pretense to murderers, and I spoke to Mr. Bryan about it. I told him that we had not written the letter nor advised any one to write it; that we were for peace, and were doing everything that could be done to secure peace and harmony in the county, and that I felt satisfied from what Democratic friends had told me that Mr. Rodgers had written the letter to Judge Kirk, and that he had done it with Judge Kirk's knowledge; that I was not certain of, but I felt certain of one thing, and that was that no Republican sent the letter. Mr. Bryan then stated to me, 'You then deny all knowledge of the letter?' And I said of course we did. He then walked out of the room, and he called Mr. Schutze and took him out into the hall with him, and had a long conversation with him. I did not overhear any of the conversation, but in a few minutes Mr. Schutze came back very much excited and said, 'Bryan is waiting for you in my dining-room; he wants to talk to you.' I went on back and had a talk with Mr. Bryan. Mr. Bryan went on to talk about the state of feeling. He said it was impossible to keep their bulldozers off of us any longer; that these men who had hung the negroes were determined men; that they were organized, and they were determined that the leading white Republicans had to leave the county or else they would murder them; that it was impossible for him or the other Democrats to do anything further to keep them off from us, and that he had talked to Mr. Schutze about buying out his paper, and he wanted to talk with me about buying out my homestead. I told him I would be unwilling to leave unless I could sell my homestead.

"Mr. PUGH. Who was this having this conversation?

"Mr. SPOONER. It was Mr. Bryan, who was secretary of the first indignation meeting.

"The WITNESS. He asked me how much my homestead was worth, and I told him it had cost me over \$2,500.

"By Mr. SPOONER:

"Q. Is Mr. Bryan a man of property?

"A. Yes, sir; he has property in Brenham. He told me he would let me know next day how much he could get for it. He wanted to get what he could. He seemed to be acting as a friend. I had learned enough that morning from other Democrats (if I have to give their names I will not tell what it was) to know that there was a mob forming to come into Brenham either Saturday or Sunday to hang us, perhaps; the same men who hung these colored men.

"Q. What was the event of these negotiations for the purchase of your home?

"A. Mr. Bryan came back to me on Monday, and said the most he could get was \$1,150, and I might just as well take it and be done with it, as there was no time to lose.

"Q. Did he tell you there was no time to lose?

"A. Yes, sir; he told me that; that I must leave Monday night, and that men were in Brenham. I got that from many friends. I went into town once and hurried back home, and I was in my office for a few minutes, and Mr. Bryan came up in that back room and told me, 'the men are here and they are coming in, and it is necessary for you to make your arrangements and you and your wife sign that deed immediately and go away.' I agreed to do it, and signed the deed. I can not remember, of course, all that occurred, only I knew the danger was great.

"Q. Did you leave for any other reason than the one you have stated?

"A. No, sir; I did not leave for any other reason. It was never my intention to leave Washington County.

"Q. Had you committed any offense against the laws?

"A. No, sir.

"Q. Had there been any complaint made against you as a citizen?

"A. None whatever.

"Q. Do you know of any reason for this excitement and feeling and threats against you other than political?

"A. That was all; it was all political.

"Q. Did you take the \$1,150?

"A. Yes, sir.

"Q. And conveyed your homestead?

"A. Yes, sir.

"Q. And left?

"A. Yes, sir; and left. The money was paid to my wife.

"Q. What was the property worth?

"A. The property was worth, I think, \$2,500, and I think I could have got that for it. I might not have got it all in money, but I know I could in trading around.

"Q. Who bought it?

"A. I think Mr. R. Hoffmann; I do not remember. I was so excited at the time I looked at the deed I can not say" (pages 226-228).

The testimony of Carl Schutze, esq., showing how he was driven from Washington County, is as follows:

"Q. Did you have any order to leave there; any order, written or verbal?

"A. I had no direct order to leave, written or verbal. I can not say that any letter was sent to me, or other paper. No man came to me and told me that I must leave, but to every man who lived there it was very evident that I could not stay there. My friends who were with me, they had friends in town, and some of them were Masons, and they received information, of course, from their fraternity and others. Mr. Hackworth, for instance, has a very large family and his relations in town there who were mostly all Democrats, and from statements that were given to these persons and from what I saw in the town myself I knew that I could not live there any longer. I left town twice. On the evening of Wednesday—that is, the day after the election, all the Republicans had to hide out that night—

"Q. You do not mean all the Republicans in the city?

"A. I mean these leading Republicans, Mr. Hackworth, Mr. Hoffmann, and others. They did not sleep in their own houses. Mr. Hoffmann, who used to stay at my place, did not sleep there that night. He received notice in the afternoon, about 5 o'clock, I think it was, that he must leave there at once, or they



would come up to the office and kill us, and we took arms and went down to Mr. Hackworth's house. They went to another house to sleep, and I went to Galveston that night, because I have no family, and I did not want to bother anybody by remaining there.

Q. Did you sell your property there?

A. No, sir; I did not sell it. I will tell you about that.

Q. State, as briefly as you can about it.

A. After the colored men were lynched on Thursday morning, the next day I think it was on Friday, Mr. Louis Bryan came up to my office. He looked very much excited and very eager and talked very fast. He wanted to know about the papers in the case of Zapp against Amslers & Brothers, I think, and said something about continuing the case to the March term of the county court. I did not know whether it had been continued or not, and it seemed to me very extraordinary that he should come there at that time. It was on the 2d of December, the court had adjourned some time, and the next term of court would not be until the middle of January. I thought it was very strange. While he was sitting there Mr. Hackworth approached him on the subject of a letter which he had apparently written to Judge Kirk. Judge Kirk claimed that he had received it from the post-office. I had heard of that letter myself, and I heard that a man by the name of Rankin, who was part owner of the Brenham Banner, had been going around the streets with that letter and inquiring of everybody if I or Steve Hackworth had not written the letter. I think he told Mr. Jodon about it, and Mr. Jodon said that it was not in my handwriting or in Mr. Hackworth's either. They went all over town asking people about it.

Q. This Brenham Banner was a Democratic newspaper?

A. Yes, sir. They asked if we had not written it to try to excite people against us. Of course every man who is not half-witted would know that it was not to our interest to do anything of that kind to get ourselves into a difficulty.

Q. Did you write that letter?

A. No, sir; I did not know anything about it. Mr. Hackworth told him then that he thought he ought to know that he would not have written that letter, and that he had heard that Judge Kirk had written it himself; and from what I have since learned, either Judge Kirk or Mr. Rogers, it is said, put some young man up to it to write that letter. Mr. Bryan then said, 'You disclaim the authorship of that letter, or any knowledge of it.' Well, of course Mr. Hackworth told him that he did. Then he went out and called me out into the hall; said he wanted to see me. He says, 'Mr. Schutze, it is very evident that you can not live here.'

Q. Excuse me a moment; was this Mr. Bryan a Democrat?

A. Yes, sir.

Q. Is he connected officially with the Democratic county organization as a member of the executive committee or anything of that kind?

A. It was generally understood in Brenham that he belonged to the executive committee. Mr. Bryan then stated to me, 'It is very evident that you can not live here; that they are determined to kill you, Hackworth, and Moore, and,' he says, 'we do not want you to go off without a cent, and if you want to leave we will buy you out.' I said, 'What can you give me?' 'Well,' he said, 'about two or three hundred dollars.'

Q. What was it he offered to buy out?

A. He offered to buy out my paper. He said, 'We want to get rid of that paper; we want to break that thing down; we have no use for it.' I laughed at that and said, 'If I have to go I might as well go without any money; two or three hundred dollars is not anything.' I said I would submit it to some people who had a financial interest in the paper and let him know; and I spoke next day to some parties, and, to make the matter short, Mr. Breedlove, who was also interested and had advanced some money on the paper, I spoke to him afterwards. The next Monday Mr. Hackworth came there in the morning looking very white and pale, and told me that Mr. Bryan had told him that they were coming in that day, and if he wanted to sell out to anybody there he would see to it that they would not hurt him.

Q. They proposed to buy Mr. Hackworth out, too?

A. Yes, sir.

Q. To give him something to leave with?

A. Yes, sir. I understood afterwards that Mr. Bryan talked with Mr. Hackworth the same day that he saw me in the office, when I had told him that it would take about \$1,500 to \$2,000 to buy me out, and he would not think of that at all, and said he had no use for the paper. That night Mr. Hackworth left.

Q. Was this Mr. Bryan connected with either of these indignation meetings?

A. I do not know, sir. That night Mr. Hackworth left. I saw those men coming to town, and I saw there was a good deal of stir. I knew the temper and purpose of those men, and knew what they wanted, and I left that day at noon and went down into the country. I knew that my life was not worth a nickel.

Q. You left, then, under those threats and under that influence?

A. Yes, sir. That is, I returned after that to wind up my affairs. I was assured by Mr. Breedlove that he had assurances that I would not be molested if I came back to wind up my affairs, and perhaps they would buy me out. But they refused to buy me out. Mr. Breedlove negotiated the matter with Mr. Bryan; they could not stand the amount I asked, and I had to move the paper to Galveston. On the Monday following Mr. Hackworth left, and on the next Monday I left on the evening train, and that was the time when they fired two or three shots at the car. I thought it was only two shots that they fired at the time, but Tom Foley, the conductor, told me there were three shots fired.

Q. State more fully in regard to that, if you please.

A. As the train was starting some pistol shots were fired, and a rock was thrown into the window. I was sitting in the car facing in that direction [indicating], and the rock came in here [indicating], and it broke out a panel of the shutter and dashed it to pieces almost.

Q. The stone was thrown into the window of the car near where you were sitting?

A. Yes, sir; just to my right, a little ahead of me. It passed within perhaps an inch of my face.

Q. Do you know who threw it?

A. No, sir.

Q. You stated that pistol shots also were fired?

A. Yes, sir.

Q. Were bullets shot into the car?

A. I did not see any. I do not know whether the shots were fired into the car or not, but they were close up to it.

Q. Did you hear of any threats made by the Republicans, or were the threats that were made entirely confined to the Democrats?

A. Yes; they were entirely confined to the Democrats.

Q. Have you been back to Brenham since you went to Galveston?

A. I was there, as I stated, on the 13th of January. I will state to you how I got there. I went up there at night because I knew it was unsafe, on the central train, and took a sleeper, so that nobody should see me, and when I got there slept in a private house, and I was in town but half an hour the next morning, and then I took a horse and rode out to see Mr. Julius Lehmann, 3 miles in the country, and returned by another road so that they would not follow me. I saw Mr. Fricke and he told me that my life was in danger; that the deputy sheriff had made certain remarks about me; and I rode around and went through a back door and came into a store, and was told by the proprietor

and clerk that these fellows I mentioned were hunting me, and he begged me for God's sake to go away, and I rode to Albert Vernon's, and he went with me to the depot, and the train left in three minutes; and instead of going south I went north and went around and came back to Galveston" (pages 203-210).

Mr. Moore's testimony is as follows:

Q. Do you know of any threats being made there against the leading Republicans about election time or after the election?

A. Yes, sir.

Q. By whom were they made and against whom were they made?

A. They were made by the leading Democrats against leading Republicans.

Q. Name the Republicans.

A. Myself, among others.

Q. Who else?

A. Mr. Hackworth, Mr. Schutze, Mr. Potter, Mr. Gilder, Mr. Lockett, and others.

Q. What was the nature of those threats?

A. The threats were that unless certain of us left that county in a very short time that we would be murdered, hanged, or shot; the threats were that unless myself, Mr. Hackworth, Mr. Schutze, Mr. Potter, and others left the county that we would be shot, hanged, murdered, or otherwise disposed of, as the Democracy, the kuklux portion of the Democracy, might decide to dispose of us.

Q. Did you receive any notice to leave?

A. No written notice; mine was verbal.

Q. From whom did you receive such notice?

A. From several Democrats.

Q. Who were they?

A. I received some of those communications in a confidential way, and would not like to disclose them unless I am compelled to do so. The principal part of my information came through Mr. B. F. Robertson.

Q. A Republican?

A. No, sir; he is a Democrat.

Q. But there were other Democrats who communicated to you the fact that it would be better for you to leave?

A. They told me that my life was not safe and that they advised me to leave; that they were Democrats and I was a Republican, but they did not know that I had done anything wrong except to advocate the Republican cause; that the Democracy was worked up to a great state of excitement and they knew my life was not safe and I would be murdered if I staid there.

Q. They communicated that advice to you in friendship and under promise of secrecy on your part?

A. Yes, sir; except in the case of Mr. Robertson; there was no secrecy in what he told me. He represented himself as being the authorized representative of what he and I called a 'mob' in Washington County. There was no secrecy in his communication with me.

Q. Who was Mr. Robertson?

A. He was one of the nearest neighbors I had there.

Q. A prominent Democrat?

A. A prominent Democrat, although he does not take an active part in politics.

Q. Were you a property-owner there?

A. Yes, sir; I owned some property there in Washington County.

Q. Did you voluntarily leave Brenham with your family?

A. No, sir; I did not.

Q. Why did you leave?

A. I left there believing that my life was not safe. That belief was created in my mind by the information that I had received from Democratic sources and from Republican sources, too, but of course I attached the most importance to the information I had received from Democrats.

Q. You knew of the meeting which had been held at Eldridge Hall?

A. I heard of it; I was in town at the time.

Q. Was that meeting attended by any Republicans, to your knowledge?

A. I never heard or knew of a Republican being there.

Q. It was attended by Democrats from different parts of the county?

A. Yes, sir; that was my information.

Q. Were they armed?

A. Yes, sir. I heard there were parties of armed men in the town, and I saw several of them.

Q. Were you negotiating for the purchase of your property preparatory to leaving?

A. Yes, sir.

Q. Who did you sell your property to?

A. The deed was made to Mr. Felder, a prominent Democrat there.

Q. Who negotiated for the sale of the property?

A. Mr. Robertson did the most of it, and Mr. Breedlove representing my interest as an attorney.

Q. Had your property been for sale prior to this time?

A. I had said I would take a certain price for it.

Q. What did you estimate it to be worth?

A. I asked \$6,000 for it.

Q. What did you sell it for?

A. I owed three notes, and one of them was due on the 1st of last January, another was due the following year, and the third was due in two years. The party who bought the property assumed the debt that was on the property of \$1,500 and paid me \$500 cash.

Q. What was the price of your property?

A. The price I asked for it was about \$6,000.

Q. And how much did you get for it, allowing credit on the notes?

A. I owed \$1,500 on the place, payable by notes, and the first note fell due in January.

Q. Then you got \$2,000 for it?

A. Yes, sir; the purchaser assumed the payment of these three notes for \$1,500 and gave me \$500 in cash.

Q. So that you sacrificed your property?

A. Yes, sir; it was a sacrifice; I did not get half what it was worth nor half what it cost me.

Q. What crime had you committed that you should not be permitted to live in that community?

A. The only crime that I heard myself charged with was being a prominent Republican, and having made Republican speeches and trying to induce Republicans to vote the Republican ticket against the so-called People's ticket or Democratic ticket.

Q. You had made no social-equality speeches?

A. I never made a social-equality speech in my life, and I never heard a Republican make one, that I remember.

Q. When did you leave Brenham?

A. The WITNESS. For California?

MR. SPOONER. For good.

A. I left there about the 13th of last December, I think.

Q. You took your family with you?

A. Yes, sir.

Q. You left because you did not consider it safe to live there?

A. That was my reason for leaving.

Q. And the prejudice which had been created against you was, so far as you know, political only?

A. I can assign no other cause.

"Q. And is chargeable to the fact that you had been an active leader in the Republican party of that county?"

"A. That is the only offense I knew that I was charged with" (pages 512-515). Florent T. Jodon, esq., thus describes the situation at Brenham:

"Q. What do you know of threats being made against Mr. Hackworth, Mr. Schutze, Mr. Potter, and Mr. Moore?"

"A. I know particularly of them against Mr. Hackworth and Mr. Schutze, not so much against Mr. Moore. I never heard them made against him, but in regard to Mr. Hackworth and Mr. Schutze I heard threats made quite often. In fact, the state of feeling in our community for a long time was simply terrible. It not only extended to Republicans, but to all classes of good, quiet citizens. Our town was for a while under the control of a mob, men who made their headquarters at saloons, and who were armed, and the state of feeling was very bad indeed" (page 182).

Many other prominent Republicans were ordered to leave their homes and establish themselves elsewhere. Below are given a few of the notices that were sent to them:

"George W. Brown (colored) was recalled and further examined.

"By Mr. SPOONER:

"Q. Have you seen the paper which I now show you before this time [handing a slip of paper to the witness]?"

"A. Yes, sir.

"Q. Where did you first see it?"

"A. I first seen that paper tied to my saddle.

"Q. Is this the paper that you testified yesterday was found tied to your saddle?"

"A. Yes, sir.

"Q. Was this before you qualified for the office you hold, or after.

"A. It was just after, on the same day.

"Q. It has been in your possession ever since?"

"A. Yes, sir; I have had it folded up and have carried it in my pocket all the time.

"Mr. SPOONER. I will read what is on this paper:

"GEORGE W. BROWN. As Republicanism is dead, dead, in Washington County, you better resign and leave the county, or you will be killed.—with a picture of a cocked gun at the bottom of it" (page 109).

O. B. Potter's testimony:

"Q. Have you known of any notices being served on men in that county instructing them within a given time to leave the county?"

"A. Yes, sir; I have known of several, and have seen several of them.

"Q. Tell us what you know about that.

"A. I can give you my notice if you want it.

"Q. One was served upon you?"

"A. Yes, sir; this one [handing a paper to Mr. SPOONER].

"Q. When was that sent to you?"

"A. I can not say; the date of it is there, but I do not recollect it.

"Q. Is this the identical paper?"

"A. Yes, sir.

"Q. Just as it came?"

"A. Yes, sir.

"Q. With this broad band of mourning around it?"

"A. Yes, sir; exactly like that. It has not been changed a particle.

"Q. This is dated December 21.

"A. I do not recollect the date.

"Q. You did not stop to study the date?"

"A. No, sir; I was somewhat excited. I judge that is the 21st.

"Mr. SPOONER. I will read it:

"BRENHAM, December 21,

"SIR: We have been waiting some time for you to arrange your business and leave this county. This is to notify you that if you persist in staying here many days longer you will be dealt with in a very severe manner.

"CITIZENS W. CO."

"O. B. POTTER."

"By Mr. SPOONER:

"Q. This signature, 'Citizens W. Co.,' I understand means Washington County?"

"A. Yes, sir."

W. H. Blount's testimony:

"Mr. SPOONER. This notice reads as follows:

"BRENHAM, TEX., December 9, 1886.

"You are hereby notified to leave the county without further warning.

"COMMITTEE.

"W. H. BLOUNT."

"Mr. SPOONER. Let that be marked as an exhibit, and put in evidence.

"Q. What crime had you committed?"

"A. They say none. One of the fellows who notified me met me on the street in the day and he asked me, he says, 'What is your name?' and I said 'Blount.' He said, 'Aha.' 'Well,' he says, 'I have a message to deliver to you.' I said, 'All right; let's hear it.' He says, 'You must leave the county, and,' he says, 'you must leave it immediately.' I says, 'What is your name?' He says, 'I am from the lower counties.' I said, 'That is not the question I asked you; and he said, 'That is all you will get, by God.' I said, 'Do you expect I am a fugitive from justice, a thief, or a robber, or what do you consider me?' He said, 'No, you are a pretty fair citizen, they say, but you wield an influence among the freedmen that is detrimental to the white people, and they won't stand it'" (page 128).

Joseph Hoffmann's testimony:

"Q. Did you receive any written notices to quit?"

"A. Yes, sir.

"Q. Have you got one of those notices now?"

"A. Yes, sir.

"(The witness produced the notice called for and handed it to the chairman.)

"Q. Has this been in your possession ever since?"

"A. Yes, sir. I have shown it to several parties and they have had it in their hands, but that is all. That is the envelope it came in.

"Mr. EVARTS. This note reads as follows:

"DECEMBER 8, 1886.

"JOE HOFFMANN:

"You are requested to vacate Burton forever by Saturday night.

"CITIZENS."

"That is written in red ink.

"Q. This came through the mail?"

"A. Yes, sir; and the post-office mark on it is the 7th. I received it on the 7th (page 134).

William W. Hackworth, having been duly sworn, was interrogated as follows:

"By Mr. EVARTS:

"Q. Are you a son of S. A. Hackworth?"

"A. Yes, sir.

"Q. Where do you live?"

"A. In Brenham, Washington County, Texas.

"Q. You still live there?"

"A. Yes, sir.

"Q. And have continued to live there, although your father left?"

"A. Yes, sir.

"Q. How long have you lived there?"

"A. I was born and raised there.

"Q. What is your present age?"

"A. I will be twenty next September.

"Q. Were you in Brenham at the time of the Eldridge Hall meeting?"

"A. Yes, sir.

"Q. Did you go to it?"

"A. Yes, sir.

"Q. Did you hear the resolution that was adopted and the speeches that were made?"

"A. Yes, sir.

"Q. You are a Republican, I suppose?"

"A. Well, I never have voted.

"Q. You are not entitled to vote yet?"

"A. No, sir.

"Q. But you sympathize with the Republican and not with the Democratic party?"

"A. Yes, sir.

"Q. Did you hear the resolution which was offered by Judge Kirk in regard to notifying people to leave?"

"A. Sir?"

"Q. Did you hear offered by Judge Kirk at that meeting the resolution that he proposed in regard to requiring people to leave?"

"A. Yes, sir; I did.

"Q. What was it that he proposed in the resolution?"

"A. He made a motion that S. A. Hackworth, J. L. Moore, Ed. Lockett, and Larney Gilder be given twenty-four hours to leave the county in.

"Q. That they should leave the county in twenty-four hours?"

"A. Yes, sir."

Lafayette Kirk, the Democratic county judge, who offered the resolutions referred to above, testified as follows:

"When I went into the meeting I had just been informed that Mr. Potter had said that he was in favor of going in with the negroes and resorting to the shotgun policy to enforce their rights.

"Q. Had Mr. Potter said anything?"

"A. I had been so notified and informed, and acted on that information.

"Q. How long had you known Potter?"

"A. Ever since I had been in town.

"Q. He is a pretty good neighbor, is he not?"

"A. So far as I knew. I didn't know much about him except in this canvass.

"Q. He had been a pretty good neighbor on general principles?"

"A. He had so far as I know. I had nothing to do with him much.

"Q. Would you drive a man out of the county on what some fellow said without making proper inquiry about it?"

"A. I said, in the event he had said it in his speech.

"Q. Did you hear him say any such thing?"

"A. Never.

"Q. Why did he recommend them to adopt the shotgun policy?"

"A. To enforce their rights, I suppose.

"Q. That is, if the white Democrats raided the ballot-boxes that they ought to be shot?"

"A. I did not know what he had in his mind.

"Q. Don't you think it would have been a good idea to have found out what he said before undertaking to punish him?"

"A. I do. The gentleman who informed me said he was making statements of that character; that he was in favor of arming them.

"Q. That was after the election that he was so reported?"

"A. Yes, sir.

"Q. It is not true that you were told that Mr. Potter justified the shooting, when it was necessary, of men who raided the ballot-boxes?"

"A. I was not told that; I was just told about a conversation in which he said he was in favor of arming the negroes and resorting to the shotgun policy.

"Q. Had not that rumor been traced up, and had not Mr. Potter made a denial of it?"

"A. Not at that time, it had not.

"Q. What else was there; what other crime had these men committed?"

"A. Some of them were notoriously bad characters there.

"Q. Bad in what way?"

"A. They had no standing socially or otherwise.

"Q. That is, you mean with Democrats they had not?"

"A. With Democrats or Republicans, or respectable Republicans.

"Q. Were they driven out on that account?"

"A. I think their leaving the county was due to the fact that they had played completely out there. They had no social standing or financial credit, and no means of support, except—

"Q. You were not proposing to any public meeting to drive poor devils out because they had no financial standing or credit?"

"A. No, sir. What caused me to make that remark was, it came on the heels of the news of the killing of Bolton. My advice was that he had been killed by negroes who had been advised to go there to the ballot-boxes, and were acting under the advice of Gilder and Lockett; and following that I heard that Mr. Potter had made this statement, that he was in favor of arming himself and acting on the shotgun policy and enforcing his rights, and in the course of my remarks at that meeting I said I was in favor of notifying them that such things must be stopped or they must leave the county.

Lewis R. Bryan, another Democrat who was present at this meeting, testifies that the resolution of Judge Kirk ordered certain Republican leaders to leave within twenty-four hours.

"Q. Do you know whether the date at which these people were required to leave was mentioned by Judge Kirk?"

"A. No, sir.

"Q. Are you sure that he did not name some date within which they must leave?"

"A. It was to notify them to leave within twenty-four hours if they did not stop.

"Q. That was his resolution as amended?"

"A. Yes, sir. I misapprehended you. You said the date; if you had said the time I would have understood.

"Q. It was twenty-four hours, then, was it?"

"A. Yes, sir.

"Q. Were any persons mentioned who would be required to leave within twenty-four hours if these things were not stopped—by Judge Kirk's resolution, I mean?"

"A. The suggestion made by him was—

"Q. I have asked you a simple question.

"A. Hackworth, Moore, Potter, Gilder, and Lockett.



"Q. One of the audience cried out an additional name, then, to put on the list?"

"A. Yes, sir; Schutze; Carl Schutze.

"Q. Who was it that called out that?"

"A. Dr. Joseph Tristram, a German.

"Q. You knew at the time that it was he who did it?"

"A. Yes, sir.

"Q. Do you remember what he said?"

"A. He said, 'Don't forget Carl Schutze' (pp. 574, 575)."

Mr. Bryan, in the following passage, shows under what fears these petitioners were placed:

"Q. Now, without knowing who wrote this letter to Judge Kirk, or whether it was written as a joke or seriously, or was written by an enemy of Judge Kirk, or whether it was written by a Democrat or a Republican, why did you say that if any harm came to Judge Kirk, Mr. Hackworth and these other men would be held responsible for it?"

"A. I mean exactly what I said; that we would hold them responsible for it: that nobody was going to hurt them but somebody who was in their interest and was instigated by them. They hated Judge Kirk like they did the Old Scratch himself, and it could come from no other source but that. That is the idea I have.

"Q. But whether right or wrong, whether they had anything to do with it or not, in that state of feeling if harm came to Judge Kirk these men would be held responsible for it?"

"A. They would have been, sir, undoubtedly; yes, sir.

"Q. In what way would they have been held responsible?"

"A. I do not know, sir, in what way.

"Q. What was in your mind?"

"A. I do not know; I had none in my mind.

"Q. Do you mean they would be hanged?"

"A. I do not know, sir.

"Q. Well, it might have included hanging?"

"A. Yes, sir; it might have been.

"Q. Was not that the most natural result?"

"A. I do not know whether it would have been, but that is generally the way that mob takes. If it had taken the form of a mob, that is generally the way in which they act.

"Q. And it would have been a mob with which you would have sympathized?"

"A. If Judge Kirk had been killed I would have been with it, sir.

"Q. And all the other good Democrats would have been with it, too?"

"A. The Democrats, and as good Republicans, Senator, as there are in the State of Texas or anywhere else.

"Q. You may put in all you please so long as you put in all the Democrats.

"A. Yes, sir.

"Q. And that would have been the state of things and the treatment given to these men if harm had come to Judge Kirk?"

"A. I think so; I am only giving my individual views.

"Q. Of course we can not get anybody else's opinion but yours. As far as you know, that was the general opinion among the Democrats there?"

"A. Yes, sir; as far as I know.

"Q. And in your answers you speak of both Hackworth and Schutze?"

"A. Yes, sir; they were both present.

"Q. And you told them they would be responsible, and you were serious about it, were you not?"

"A. I meant exactly what I said.

"Q. You meant that if any harm came to Judge Kirk those men would be hanged?"

"A. I did not mean that they would be hanged.

"Q. Or shot; I will ameliorate it in that way.

"A. I meant that they would suffer for it in some way. Of course, if they had happened to get away from them they could not do it.

"Q. If you could not hang them or shoot them, of course you would have been excused.

"A. I meant they would suffer the consequences.

"Q. And you meant that would be very serious?"

"A. Yes, sir.

"Q. But that would be about the shape of the thing, would it not?"

"A. Yes, sir; something of the kind.

"Q. You talked seriously to these men?"

"A. Yes, sir."

An account of the meeting at Eldridge Hall, to which reference has been made in several of the citations which have been given, taken from a Democratic local paper, is inserted:

#### "CITIZENS' MEETING.

"On Thursday, at 2 p. m., November 5, there met at Eldridge Hall upward of three hundred leading citizens from all parts of the country. The committee appointed at a meeting held November 3 submitted the following report:

"Your committee, appointed at a former meeting to consult and recommend a course of action to be pursued in view of recent acts of lawlessness, frauds, and intimidation practiced at the recent election, respectfully report:

"That we have duly considered the matters referred to and deprecate and condemn the character of political speeches made by the leading white Republicans as incendiary and calculated to engender strife and bad feelings between the races, which, if permitted, must inevitably lead to bloodshed.

"That those designing white men are responsible for the present unfortunate condition of feeling between the races and for the murder of Dewees Bolton, a peaceable and unoffending citizen, guilty of no offense except a desire to witness the count of ballots.

"That we assure all citizens that they shall be protected in the enjoyment of all their rights, but that we will not allow incendiary speeches to be made to the ignorant colored people whereby our lives and property shall be placed in jeopardy.

"That we congratulate the good people of Washington County upon the triumph of the People's ticket and the election of men to office who will faithfully guard your rights against the attacks upon the ballot-box and the reprehensible methods adopted by the opposition.

"That we recommend to all the observance of law, and the preservation of law and order by every means in our power."

Colonel Giddings said, speaking to the resolution, he had been with the people for thirty-two years, and never had he seen a more intelligent gathering of representative men: he felt the occasion and we were interested as no one could be; we were tied to Washington County soil; we could not pick up like the carpet-bagger and run; a large mass of the voters of the county were ignorant and only influenced by fear; their party had used every means of intimidation to influence votes, and such means kept up would result in war between races, and bloodshed. The People's ticket, representing the best interests of Washington County, were, with one exception, elected by good majorities. That one man, though called by the people, had refused to run on their ticket; but now, if elected, he should be allowed to serve. There was no need of violence or force; that time should have been when the canvass opened and the incendiary speeches were made to the ignorant and vicious of the county; now we should see the law prevail. He knew there was a deep feeling for using violence, but advised that the law take its course and be rigidly enforced. In

the future no one should be allowed to make speeches to incite the violence of the ignorant. The people who owned the county should have it stopped.

Harry Haynes said ordinarily he was for peace and was a peaceable man, but when he heard of the outrages and rumors of outrage he was for war. He was for holding what we had accomplished by force, if necessary. We were right and should stand by ourselves. Incendiary speakers should be repressed, and their infamous methods put down. As a legitimate fruit of their infamy a foul murder had been committed, instigated by designing villains, who had made tools of the negroes. He wanted, in the resolution, the name of the murdered man, so that the whole world should know our grievance. His name was Dewees Bolton; a pure man and good citizen.

"M. M. Felder said we should be cool and act coolly, and counseled holding on to the victory.

"W. W. Searcy and L. R. Bryan said the same in substance.

"Judge Kirk said he had served the people for two years; had tried to act impartially, and had done his best for their interests; that he had talked to the negroes and thought most of them were on the right side; there were six or seven white men in the county instigating these outrages; he could name them.

"Joseph Tristram being called up said he fully indorsed the report. H. Hodde said the same in substance, and moved the adoption of the report, which was carried by a rising vote.

"The chairman stated that the precinct committees appointed at the previous meetings were permanent, and would meet again at the call of their chairman, H. Hodde. The meeting then adjourned."

#### POLITICAL SITUATION BEFORE THE ELECTION OF 1886.

The election of 1886 in Washington County, of which Brenham is the principal town, was for county officers, and also for a member of Congress in the district of which Washington formed a part.

As between the two great political parties of the country, Republican and Democratic, the voters were divided, according to various estimates, in about the proportion of a Republican majority of from 600 to 1,600, out of an aggregate vote of 5,600.

As between the voters of that county the division between white and colored voters was about 2,800 to 3,100 of whites and about 2,500 to 2,800 of colored. There was a large element of German citizens and voters in that county, namely, 1,900, 1,600 of whom were Republicans, and it is estimated that in a full count of white voters alone the Republicans outnumbered the Democrats by a majority of 300 at least, and probably by 500 or more.

Extracts from the testimony of Florent D. Jodon, esq., Prohibitionist, Lewis R. Bryan, a Democrat, and Stephen A. Hackworth, a Republican, as to the political complexion of Washington County, are herewith appended.

#### "TESTIMONY OF FLORENT D. JODON (page 167).

"Florent D. Jodon, having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. What are you, politically?"

"A. I am a Prohibitionist for State officers and an Independent in our county politics. I voted for men on both tickets at the last election.

"Q. Have you ever been a Republican?"

"A. Never. Up to 1873 I voted the straight Democratic ticket.

"Q. Were you in the army during the war?"

"A. Yes, sir; I was in the Southern army. I voted at the last election for Mr. Duhanoy for governor.

"Q. What is the political complexion of Washington County?"

"A. It is Republican.

"Q. How long has it been so, to your knowledge?"

"A. Ever since I have lived in the county, for twenty years with one exception.

"Q. What has been the average Republican majority there on the county ticket?"

"A. Some of the officers on the county ticket, of course, would be more popular than others, but the average was from five hundred to fifteen or sixteen hundred. Mr. Joe Hoffmann, I believe, got nearly seventeen hundred.

"Q. What is the average, about?"

"A. I presume about seven or eight hundred. I have no precise data, but that is my remembrance.

"Q. About how many colored voters are there in the county?"

"A. The vote of the county is about equally divided between the whites and blacks, and has been for some time. At one time there was a majority of about two or three hundred.

"Q. What is the total vote of the county?"

"A. About fifty-six hundred to fifty-eight hundred votes.

"Q. About one-half colored?"

"A. Yes, sir.

"Q. The colored men, as a rule, are Republicans?"

"A. Yes, sir; that is the rule. At the last election they voted solid, almost. The Democratic papers so stated, as I can show by my scrap-book, and that was the fact.

"Q. There are a great many Germans in that county, are there not?"

"A. Yes, sir; a great many. The Germans have been increasing in number, and the white Americans have been decreasing by moving out for some time.

"Lewis R. Bryan, having been duly sworn, was interrogated as follows:

By Mr. EUSTIS:

"Q. What is your full name?"

"A. Lewis R. Bryan.

"Q. What is your age?"

"A. I am twenty-eight years old.

"Q. Where do you live?"

"A. In Brenham, Washington County, Texas.

"Q. How long have you lived there?"

"A. I have lived in the town of Brenham about six years, but have lived in Washington County for twenty-four years.

"Q. What is your business?"

"A. I am a lawyer.

"Q. What are your politics?"

"A. I am a Democrat.

"Q. Have you had any regular Democratic nominations in that county since 1884?"

"A. We have not. I will go on and state about that matter, knowing of course what you want, and it will save time. In 1884, just as the other witnesses have stated here, the condition of our county had been, from a few years after the war up to 1884, a peculiar one. The county had been mainly under Republican rule. I wish to state here that Washington County is a Republican county. It is understood that on a strict party vote on national and State issues the majorities in Washington County range from 600 to 800 or 900 in favor of the Republicans. My recollection is that Garfield got a majority of some 800 votes over General Hancock in 1880, and Blaine's majority was some 600 or 700 over Mr. Cleveland. The statement was made by some one here yesterday that out of 5,600 or 5,600 votes in the county there was usually about 2,500 colored and about 3,000 white. Of the white vote we usually estimate 1,200 or 1,300 as the

American vote and about 1,700 or 1,800 as the foreign vote, and in that foreign vote, as we call it, we include the Germans, Poles, and Bohemians. The Bohemians generally vote the Democratic ticket, and there are about 200 of them.

"The German vote is generally Republican, with the exception of a few old Germans who came there prior to the war. The most of the Germans in our county have come there since the war, and they are generally Republicans. They are these gentlemen we have here with us as witnesses.

"TESTIMONY OF STEPHEN A. HACKWORTH (pages 215, 216).

"Stephen A. Hackworth, having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. What is your full name?

"A. Stephen A. Hackworth.

"Q. You are one of the signers of the memorial or petition under which this investigation was ordered and is now being conducted?

"A. Yes, sir.

"Q. How old are you?

"A. I am in my forty-seventh year.

"Q. Where do you live?

"A. I live at Brenham, Washington County, Texas.

"Q. How long have you lived there?

"A. I have lived in Washington County all my life. I was born and raised there.

"Q. What are you politically, a Republican or a Democrat?

"A. I am a Republican.

"Q. How long have you been a Republican?

"A. I have been a Republican ever since the reconstruction; ever since the war.

"Q. What is the total vote, as near as you can get at it, in that county, the average total vote?

"A. It is about 5,600, or very near it.

"Q. What proportion of that is colored?

"A. I think about 2,300 or 2,400; I did have the exact figures; I do not know whether I have them here or not.

"Q. Are the colored voters generally Republican?

"A. Yes, sir; generally. There are about 1,700, perhaps, of them that will vote the Republican ticket without scratching the ticket, while there are perhaps 400 or 500 who will vote the Republican ticket, but will scratch it.

"Q. You mean now and then?

"A. Yes, sir.

"Q. You think there are about 1,700 who will vote the straight Republican ticket?

"A. Yes, sir; about 1,700.

"Q. How many Germans are there in the county?

"A. I think there are about 1,900 German voters.

"Q. What proportion of them vote the Republican ticket ordinarily, if you know?

"A. Well, we count that there are perhaps about 1,600 of those who are Republicans, but they do not always vote the straight Republican ticket; they do a good deal of scratching.

"Q. What has been the usual Republican majority in that county since you have known of its political affairs?

"A. It has ranged all the way from 500 to 2,000 majority. I think in a fair election, where there would be no bulldozing, that our majority would be 2,000, about" (pages 215, 216).

In preparation for the election of that year the Republicans presented a full ticket for county officers, and the opposition, under the name of the People's ticket, included the Democrats and such adherents as, for the nonce, could be incorporated with them. The Republican ticket was as follows:

"[Republican ticket.]

"For governor, A. M. Cochran; for lieutenant-governor, Lock McDaniel; for comptroller, J. M. Brown; for land commissioner, A. Zadeck; for attorney-general, C. W. Johnson; for State treasurer, Frank Cleaves; for justice supreme court, W. H. Burkhardt; for superintendent of public instruction, Henry Cline; for Congress, J. D. Rankin; for representative, seventy-second district, Dennis Farr; for representative, seventy-first district, W. H. Blount; for district attorney, twenty-first district, C. C. Lockett; for county judge, Carl Schutze; for county attorney, A. W. Wilder; for district clerk, J. C. Hewitt; for county clerk, C. C. Bryan; for county assessor, Joe Hoffmann; for county collector, William Ehler; for sheriff, Paul Fricke; for county treasurer, T. J. Lockett; for justice of the peace, precinct No. 4, B. C. Anderson; for constable, precinct No. 4, D. E. Teague; for commissioner, William Holle."

The testimony does not show the whole of the opposition ticket, but for Congressman and the principal local county officers these names were upon that ticket: For Congress, Roger Q. Mills; for county judge, Lafayette Kirk; for county attorney, B. S. Rogers; for county clerk, Hugh M. Lewis; for sheriff, N. E. Dever.

An effort made at the county election in 1884 to overcome the Republican majority by a combination on the part of the opposition on the canvass of the votes was declared successful. In 1885 the contest was vehement, and the opposition bent upon a desperate struggle with the Republicans for continual supremacy in the county, and for the permanent retention of the offices.

The canvass was conducted with much severity on the part of the opposition, the whole project of its success turning upon preliminary intimidation of the colored voters and violent denunciation of white Republicans as agitators, incendiaries, and dangerous to the peace of the community.

All this might have given no great occasion for public or serious notice had not the grave occurrences of the election itself given importance to these preliminary agitations as leading to them, and as justifying or palliating in the minds of the guilty their crimes on election day.

Out of the testimony as to the traits of the canvass which are above stated, the committee presents some distinct evidence on the subject.

Adam Newell, in the criminal trial of Kirk and others, testified as follows (see page 726):

"Q. Where did you live in November, 1885?

"A. I don't know nothing about the years.

"Q. Where did you live last year?

"A. In Washington County.

"Q. Do you remember the last election?

"A. Yes, sir; I know when it was.

"Q. Do you know any of these defendants here at the bar?

"A. Yes, sir.

"Q. Which one do you know?

"A. Sligh. I don't know anybody else that I know of.

"Q. Do you know Tolen?

"A. I don't know.

"Q. Do you know Rout?

"A. Yes, sir; I know Joda Rout.

"Q. Is he here?

"A. Yes, sir; yonder.

"Q. State what you know about him, if anything, on the day of the election, before or after.

"A. I was not there the day of election.

"Q. Did he talk to you about the election?

"A. Yes, sir; that was my reason for not being there. I met him in Chapel Hill, and he says, 'Adam,' says he, 'we have been after you a long time to vote our way and you would not do it, and the election comes off next week, and you have to vote the way I say or I will kill you.' I said, 'You have been a friend to me and you tell me the way to vote and I will do it.' He said he wanted me to vote for Rogers and the others, and I had heard he said he wanted to kill, and I wanted time to get away; so I promised to vote as he said. I came up here and I went back Tuesday night and hauled in corn for his brother. Rout came along and he asked me who I had voted for. I said I was mighty sorry, but I could not get to vote at all. I let on to him I could not get to vote. I said my son wrote to me from Richmond that he was very sick and that I could not come back in time. He said, 'By God, that is all that saved you, but we beat the election.'"

S. A. Hackworth testifies as follows (see pages 231, 232):

"Q. You made speeches there during the campaign?

"A. Yes, sir.

"Q. You addressed white audiences as well as colored audiences?

"A. Yes, sir; we had several mixed meetings.

"Q. Did you make any speech during that campaign which was calculated or intended to create any race excitement or prejudice among the negroes against the whites?

"A. No, sir; right to the contrary. All the speeches I made I think were calculated to bring about and keep up a spirit of good feeling between both races. I was as much interested as any white citizen in the country in seeing that done.

"Q. You did not make any speech that could be fairly called an incendiary speech?

"A. No, sir.

"Q. Or any speech other than the ordinary Republican speeches in behalf of your party?

"A. Judge Kirk may have called it an incendiary speech, because it was against him. We showed about the theft of the school fund and made it pretty plain that these stealings had occurred with his knowledge. That was about the most incendiary speech that we had made.

"Q. That is the first we have heard about that. What is there about that? Was it during Judge Kirk's administration?

"A. Yes, sir.

"Q. Is it possible? What was there of it?

"A. We got a certificate of the county treasurer. I do not know whether Mr. Hoffmann has it or not. We have the statement here. In the first place, Judge Kirk has charge of the free schools and issues vouchers to the school teachers. These vouchers are signed by him and have his seal of office placed on them, and then the teacher can go and draw his money. There were several forged vouchers found out by the county treasurer. Forged vouchers had been drawn on the county treasurer and had been paid by him, and Judge Kirk's name was signed to those vouchers, and so well signed that even the county treasurer himself believed it was Judge Kirk's genuine signature. The strange feature was that these forged vouchers had the county seal on them. We showed this, because we had a certificate from the county treasurer, and I told Judge Kirk at several of our meetings about it. He complained of the attack I was going to make on him. I told Judge Kirk that I was going to charge him with the responsibility for the theft of money from the school fund, and that he should defend himself the best he could. We charged that all the way through the canvass, and it is published in Mr. Schutze's paper, and I believe that is another reason why Judge Kirk and his friends were determined he should not go out of office. I should not be surprised if there was quite a large amount of the school fund missing. I think there has a great deal of fraud gone on. But we only know that there was a lot of money stolen by forged vouchers.

"Q. How much altogether?

"A. Three or four hundred dollars; I think that was all he could get hold of.

"By Mr. EVARTS:

"Q. That was the topic insisted on?

"A. Yes, sir; that was the only incendiary speech that was made. Judge Kirk got very angry several times, and I suppose he called it 'incendiary.' Well, during the whole canvass they had a certain lot of men, men who were charged with murder, and were under indictment for murder, who went around with them, and those men were armed.

"By Mr. SPOONER:

"Q. Who do you mean?

"A. I mean Judge Kirk, Mr. Rogers, and the Democrats.

"Q. Were they at your meetings?

"A. Yes, sir; they were at all our meetings with armed men.

"Q. Attended your meetings, Republican meetings?

"A. Yes, sir; they would come to our meetings and demand a division of the time.

"Q. Who else beside Judge Kirk did that?

"A. Judge Kirk and Mr. Rogers were the leading men.

"Q. And these armed men with them?

"A. Yes, sir; these armed men were with them.

"Q. How many such men?

"A. I think they generally carried about six or seven men with them.

"Q. How did you know they were armed?

"A. We saw the weapons.

"Q. Revolvers?

"A. Yes, sir; and six-shooters, some of them.

"Q. What sort of men were they?

"A. Some were white and some were colored men; some were under indictment for murder. Mr. John Taylor was one. He did not attend all the meetings, but he attended the meetings held at Chapel Hill precinct. He was under indictment for murder. A colored man named Sloan was under indictment for murder in Washington precinct, and they had another man under indictment for murder, Mr. John Ewing. These men were completely in their power and were ready and willing to do their bidding. At one of the meetings at Cedar Hill one of our men drew a pistol on them and it broke up the meeting. There were a lot of Germans in the meeting, and they withdrew from the meeting and waited until Judge Kirk went away, and we called a meeting, after they had gone, outside of the house, and I made my talk to them there. And at Chapel Hill on another occasion I was informed that pistols were drawn on me while I was on the stand, and I know I was cursed by their bulldozers.

"Q. You mean to say, then, there was something of intimidation among the Democratic leaders prior to election day?

"A. Yes, sir.

"Q. At Republican meetings?

"A. Yes, sir.

"Q. Did you divide the time with Judge Kirk at any of those meetings?

"A. Yes, sir; we had it to do.

"Q. That was compulsory?

"A. Yes, sir.

"Q. It was demanded?

"A. Yes, sir (pages 231, 232).



"On page 232 of my evidence appears another error, in which I am reported to say that at one of the meetings at Cedar Hill one of our men drew a pistol on them and it broke up the meeting. I wish this corrected, for I said that at one of the Republican meetings held at Cedar Hill one of the bulldozers drew a pistol on me, but one of our men prevented him from shooting me. This broke up the meeting (page 620).

"Q. Up to the time of the election there were no notices given to Republicans to leave the county?

"A. No, sir; the Democrats felt certain they would beat us without resorting to violence, I think; at least we were unmolested. But perhaps if the Republicans had resented the insults that we often received at these meetings there would have been violence; but we took the insults and went right straight along with our speeches. I believe there was some violence; I came very near forgetting that. On the day we held our Republican convention in Brenham some of Judge Kirk's colored friends came up there and raised a disturbance. They beat one or two colored men over their heads with six-shooters when they came down on the street, and one colored man was fined for carrying a six-shooter, and Judge Kirk very promptly paid his fine for him, so I was informed. There was violence then.

"By Mr. EVARTS:

"Q. What day was this?

"A. That was on the day when we had our Republican convention. They tried to break it up and prevent us from nominating a ticket. They did that by sending armed colored men there to provoke difficulties. Pistols were drawn there in the convention room by those colored Democrats, and after the convention adjourned some of the colored men came on the streets and were brutally beaten over the head by Democratic freedmen with pistols, and one colored man was arrested by the city marshal, and Judge Kirk would not permit him to be examined on the charge of carrying a pistol on the streets by the city marshal, but took him back in his office, and I understand that Judge Kirk afterwards paid the fine of this negro in the mayor's court (page 237).

J. L. Moore testifies as follows (see page 518):

"Q. You say that the Republicans would have had a large majority in the county if it were not for bulldozing?

"A. Aside from improper influences and bulldozing they might have used against them they would have had a large majority.

"Q. Did not the Democrats carry that county in 1884?

"A. Well, yes, sir.

"Q. Was there any trouble of any kind or any disturbance except at the Chapel Hill poll?

"A. I think there was a good deal of bulldozing, as there generally is when there is an election.

"Q. Do you mean to say that the colored people were bulldozed in 1884?

"The WITNESS. Do you ask me if they were?

"Mr. EVARTS. You said they were.

"A. I said generally at all elections in Washington County there are more or less improper influences brought to bear on the colored people.

"Q. You used the word bulldozing or intimidation?

"A. Yes, sir; bulldozing.

"Q. What bulldozing?

"A. It is done in various ways; there are a great many colored men who own their own farms, and a great number of them are employed by white people and Democrats. These colored people that the Democrats hire for wages, the male portion of them, as a general rule, are compelled, under threats of losing their positions, to vote the Democratic ticket."

#### POLLS IN CHAPEL HILL DISTRICT.

In order to appreciate the occurrences in one of the precincts of Chapel Hill at the election of 1886, it is necessary to advert to the transactions at the polls there at the election of 1884.

At that election the ballot-boxes then in the possession of the officers of election, being colored men, were "raided" at 3 or 4 o'clock in the morning after the day of election by masked and armed men. Three of these colored officers of election were shot, and one of them died of his wounds, but the other two recovered.

One of these men, by hiding with the ballot-boxes under the table, was able to escape, and the ballots were brought in and counted and returned. No efforts were made apparently to discover or punish the actors in this outrage and murder.

In preparation of the election of 1886 Chapel Hill district was divided into three precincts, and one of the polling places was known as Chadwick's Gin. The polls were not opened here at the election of November 2, 1886.

There was a large attendance of colored voters ready and desirous to vote the Republican ticket. Mr. J. M. Nicholson, a white man and a Democrat, and enlisted in the success of the "People's ticket," attended with proper papers and stated his readiness to open the polls if a necessary number of competent men to conduct the election would volunteer. He declined to serve in the number, assigning as an excuse that he was suffering from neuralgia. The voters staid about the polls through the day in the hope of being able to vote. Mr. Nicholson staid there himself through the day.

His statements are that there were not enough men, black and white, competent in intelligence and ability to read and write, to make up the necessary number. The colored men declined to undertake it. There were sundry white men attending there armed. Some colored men had been advised not to take part in the election. Others showed an unwillingness to undertake the conduct of the election unless some white men were in the board.

Apparently the occurrences at the last election were understood by all, and it seems to the committee that there would have been no difficulty in organizing a competent board if the white men had wished it organized and had been willing to share in that duty, but that the colored men were afraid to expose themselves to the perils of the service if unsupported by the participation of white men. The failure to hold the polls at this precinct, the committee thinks, is chargeable to the leaders of the opposition ticket, and in that interest, with the motive to discourage and suppress the Republican vote there, and to the colored Republican voters being unwilling to expose themselves to the fate which was visited upon the colored judges of the election at Chapel Hill in 1884. A few extracts from the testimony are cited on this point.

A. G. Scott (colored) testifies (see pages 70, 71):

"Q. Did you go to the Chadwick polling place?

"A. I went there that morning.

"Q. What time in the day?

"A. It was soon after 8 o'clock, I suppose; I do not know exactly. It was after 8 when I left home, and it was probably 8.15 when I got there.

"Q. Is that a Republican polling place?

"A. They say it is in the majority.

"Q. Is that the place at which a good many colored Republicans vote?

"A. Yes, sir; there were a good many around there that morning when I passed by there.

"Q. Were the polls open?

"A. No, sir; they were not open.

"Q. Do you know whether they were open that day or not?

"A. They were not, I suppose. I passed by there that morning, and they were not open.

"Q. How many colored men were there—voters?

"A. I never counted them. They were lying around there. I suppose between 65 and 70.

"Q. Do you mean to say there were 65 or 70 colored Republicans waiting there to vote?

"A. I suppose so.

"Q. Do you know why that poll was not opened?

"A. I asked, that morning when I got there, some of the boys why they were not voting, and they said that Mr. Knox said he was not going to preside over the polls; that they lacked a man, a judge, of having enough. Mr. Charley Lockett was there. He was running for district attorney, and he came to me and said that we could get a man that would preside. I told him maybe so; that I would inquire among the boys; and I asked a man named Jerry Foster, a member of my church, who said he would act, would go in for one; and he went around to see if he could get somebody else, and they said they did not want to go in; they feared something would occur like it had at Chapel Hill two years ago, and Lockett told them that he would stay there with them.

"Q. What had happened at Chapel Hill two years ago?

"A. Three colored men, I believe, got shot there.

"Q. While acting as officers of the election?

"A. Yes, sir.

"Q. The polls were raided by men in disguise, were they not?

"A. Yes, sir; they say so. I was not there.

"Q. And these colored men did not want to act that day for fear of a repetition of that outrage, did they?

"A. That is what they said, and I left. I did not stay there more than an hour then. I went off visiting."

Richmond Hayden testified as follows in the trial of Kirk and others (see pages 698, 699):

"Q. Where do you live?

"A. At Chapel Hill.

"Q. In Washington County?

"A. Yes, sir.

"Q. Where is your voting place?

"A. Chapel Hill is the place.

"Q. Was that the voting place in 1886?

"A. Yes, sir.

"Q. Did you have an election at Chadwick's Gin in 1886?

"A. No, sir.

"Q. State why you did not; state the facts.

"A. We all met that day—

"(Objected to by defense as irrelevant.)

"A. We all met there at 8 o'clock and went down, intending to vote. Nicholson, the presiding officer, was there; we could get no clerk. Nicholson got the law book and went to the boys and said we might open the poll if we had a mind to. The party objected. Billingsley said he could not write his name, and could not sit up at night to count votes, and we could not get any other man to go on to open vote with. We wanted some white men.

"Q. What white people did you see there in the morning?

"A. I saw Ben Rogers, James Nicholson, Walter Hill, Dan Lockhart, and Dr. Lockhart.

"Q. Were any of these defendants there?

"A. I don't think Sligh was; Joe Bob Rout, and Gergman and Bennett, and Traylor were there.

"Q. Were any of them armed?

"A. I think one of them, Mr. Haire, had a six-shooter.

"By the CHAIRMAN:

"Q. Did you see any of these defendants there that day?

"A. I saw Joe Bob Rout and John Traylor; I don't know whether he had a pistol or not.

"Q. Did anybody talk to you about the election that day?

"A. No, sir.

"Q. Who talked to you the day before?

"A. Sligh and Rout told me I had better not take part in the election or I would get into trouble. They told me this at church that evening.

"Q. Did he say who would make the trouble?

"A. He did not say who.

"Q. Is that all he said?

"A. I don't remember anything else; Joe Bob Rout, he told me I had better not do anything or I would get into trouble.

"(Objected to by the defense and objection overruled.)

"Q. What did Traylor say?

"A. He took me out to the fence and said that I had better leave here or I might get hurt. Moore was making a speech on the stand at that time. I told him I was doing nothing and had nothing to do with them. He was down at Chadwick's Gin, and they were standing around until about 4 o'clock, and I left them for town. I met some of them going to town.

"Q. Did you try to open the polls?

"A. We tried to get enough men to open them."

J. N. Seales, in the same trial, testified as follows (see pages 700, 701):

"Q. Where was your voting precinct on November 2, 1886?

"A. Chadwick's Gin.

"Q. State now to the court and jury what occurred there that day.

"A. Well, there was a great deal of whites and colored people there; some of them asked me about the clerk, and when I saw so many whites there with pistols I drew back. I heard Baily Whesnat said to Kirkman that if the polls were opened there would be some dead niggers there that night.

"Q. Were the polls opened that day?

"A. No, sir.

"Q. Who did you see with the pistols?

"A. I saw Kirkman and Rogers and Herring. Every one had a pistol.

"Q. Were they together or separate?

"A. Sometimes together and sometimes separate. They were there the best part of the day. They went away and came back.

"Q. That was on the 2d of November, 1886?

"A. Yes, sir."

#### POLLS AT LOTT'S STORE.

This was a strong Republican precinct. The election was quiet and not interfered with. The votes cast for the Republicans were 156, those for the opposition were 33. The latter were all white and Democratic, and the former all Republican. The clerk of the election, a Democrat, after the count, started with a companion to take the ballot and the tally-sheets to Brenham, to make the return there in accordance with his duty. This was on the day after the election, and, as they were nearing Brenham, after dark, three armed and masked men stopped the carriage and demanded, under threats of fire, the surrender of the ballot-box and tally-sheets. The clerk refused to hand over the ballot-box and the armed men took it from the carriage. They then required the delivery of the tally-sheets and the clerk gave them up. The clerk reported this transaction to the county clerk and the judge, both of whom were on the opposition, Lewis and Kirk, but nothing was done about it, and the vote at Lott's Store was thus

suppressed. The clerk of the election, Mr. C. P. Spann, states the seizure of the ballot-box as follows:

"TESTIMONY OF C. P. SPANN (pages 7 and 8).

"C. P. Spann, having been duly sworn, was interrogated as follows:

"By Mr. TELLER:

"Q. What is your name?

"A. C. P. Spann.

"By Mr. SPOONER:

"Q. Where do you reside?

"A. In Washington County, Texas.

"Q. At what place?

"A. At a place called Lott's Store; that is our post-office. I reside in the country.

"Q. What is your business?

"A. I am a farmer.

"Q. How long have you resided in Texas?

"A. I was born and raised there, and have lived there for thirty-five or thirty-six years.

"Q. What are your politics, a Democrat or a Republican?

"A. I am a Democrat.

"Q. How many election precincts are there in that county of Washington?

"A. I can not tell you how many there are in the county; I think there are about six or seven boxes in that precinct.

"Q. You mean in the precinct that you live in?

"A. Yes, sir.

"By Mr. TELLER:

"Q. Do you call that Lott's precinct?

"A. No, sir; that is Lott's Store.

By Mr. SPOONER:

"Q. What is the name of this precinct?

"A. It is called Precinct No. 1.

"Q. How many voting places were there in that precinct?

"A. I think there are six; the one I was at was the fifth, and think there was another one.

"Q. The one you were at was at Lott's Store?

"A. Yes, sir; at Lott's Store.

"Q. Were you one of the officers?

"A. Yes, sir.

"Q. You had a general election there on the 6th of November last?

"A. Yes, sir.

"Q. An election for what officers?

"A. For county and State officers.

"Q. And for members of Congress?

"A. Yes, sir; for members of Congress also.

"Q. What official function were you called upon to discharge at that election?

"A. I think I was a clerk; yes, I was a clerk. There were three managers and two clerks.

"Q. Are there negro voters in that precinct?

"A. Yes, sir; there are both whites and negroes.

"Q. Be kind enough to state to the committee what proportion of the votes cast at that box were white and what proportion were colored.

"A. There were 189 votes cast altogether; 156 Republican votes and 33 Democratic votes, or what was called votes for the People's ticket.

"Q. What proportion was the white vote to the colored vote?

"A. The votes for the People's ticket, the 33 votes, were all white.

"Q. And the remainder were colored?

"A. Yes, sir.

"Q. And the colored men voted the Republican ticket?

"A. Yes, sir; a straight Republican ticket.

"Q. When does your election end there; at sundown?

"A. At 6 o'clock in the evening.

"Q. Did you have, after the closing of the polls, anything to do with the counting of the vote?

"A. Yes, sir; I made out a tally-sheet and kept an account of the votes.

"Q. How many tally-sheets do you make there?

"A. We make three. One the presiding officer keeps, one is delivered to the county clerk, and one to the county judge.

"Q. Who was presiding judge of election? I understand you have such an officer.

"A. Yes, sir; my father was the presiding officer.

"Q. How do you make your return of elections there?

"A. We deliver one tally-sheet and the ballot-box to the county clerk, and another tally-sheet to the county judge.

"Q. Do you have anything to do with the return, with the making of the return?

"The WITNESS. Do you mean carrying the box?

"Mr. SPOONER. Yes.

"A. Yes, sir.

"Q. State to the committee what you had to do with that.

"A. I started to carry the box from Lott's Store to Brenham on the 3d of November; I left home, I reckon, about 3 or 4 o'clock in the afternoon.

"Q. Who was with you?

"A. The young man who has just left here, Marshall Booker; I asked him to go along.

"Q. That was the next day after the election?

"A. Yes, sir.

"Q. He went with you at your request?

"A. Yes, sir; when we got to Independence, about 10 miles distant, we found that our buggy was broken, and we stopped there and borrowed a hack, and got supper while they were getting the hack ready, and then started on to Brenham, and when we had gotten to  $\frac{3}{4}$  or 3 miles from Independence we were stopped by three masked men who were armed.

"Q. What time was this?

"A. It was between 8 and 9 o'clock at night, I reckon.

"Q. Those men were armed, you say?

"A. Yes, sir; they had two pistols, and a Winchester or shotgun, I could not tell which at night.

"Q. Were they disguised at all?

"A. Yes; they had handkerchiefs tied across the lower part of their faces, and their hats were pulled down over their foreheads.

"Q. Was it a light or a dark night?

"A. As near as I can remember it was a moonlight night. I think it was cloudy, and think they stopped us in a shady lane, which made it almost dark.

"Q. What did they say to you?

"A. One of them stepped out in front of the horses and told us to hold up, and we stopped. I asked him what the meaning of it was, and he said that they wanted the ballot-box. He said he knew I had it, and that it was just as well to give it to him without making any disturbance or having any fuss about it. I told them that they had the drop on me, and that I could not make any resistance; that I would not give it to them, but that they could take it. He said,

'By God, he could do that,' and he just reached his hand into the buggy and took it out. Then he told me he wanted the tally-sheets, and I gave those to him, and he told us then we could drive on.

"Q. Did they ask for anything else?

"A. No, sir; they did not ask for anything else.

"Q. What did you do after that?

"A. I drove right on to Brenham, and got there about 11.30 o'clock at night.

It was too late then to report to the county judge or to the clerk, but the next morning I went out and reported the facts to both of those officers.

"Q. To whom did you report?

"A. First I went to the county clerk's office and reported to the clerk, Mr. Lewis, and then I went to the county judge's office and reported to him.

"Q. What did he say?

"A. He said he supposed I could not help it. I told him no; that the men were armed, and I did not propose to run any risk on it."

Marshall Booker testifies as follows on this point (see pages 4, 5, and 6):

"TESTIMONY OF MARSHALL BOOKER (page 4).

"Marshall Booker, having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. Where do you reside?

"A. I live at Independence, Washington County, Texas.

"Q. What is your age?

"A. I am twenty-six years old.

"Q. How long have you lived in Texas?

"A. I have been in Texas thirteen years.

"Q. How long have you lived in Washington County?

"A. Ever since I have been there in the State.

"Q. What is your business?

"A. I am a farmer.

"Q. What are your politics?

"A. Well, I am not a politician by any means. Whenever I vote I mix my vote pretty well; it is owing to the man who is running for office.

"Q. Where did you vote?

"A. At Lott's post-office, which is about 12 miles from Independence.

"Q. Did you have anything to do with the election?

"A. No, sir.

"Q. Did you have anything to do with the ballot-boxes?

"A. I went with Mr. Spann—he asked me to go with him—to Brenham to make his returns.

"Q. When was that?

"A. That was on the 3d of November.

"Q. The day after the election?

"A. Yes, sir.

"Q. Who is Mr. Spann?

"A. Mr. C. P. Spann is a farmer living there, living close by Lott's post-office.

"Q. Did he have any official connection with the election?

"A. He was one of the judges.

"Q. What did he ask you to do?

"A. He asked me if I would not go to Brenham with him, as he had to make the returns; and I have a brother living there, and I thought it a very good chance to see him, and so I went.

"Q. Did he have in his custody, do you know, any ballot-box used on election day, while he was going to Brenham?

"A. Yes, sir; he had the box. He had to make the returns.

"Q. Did he take the box along with him?

"A. Yes, sir.

"Q. He was taking the ballot-box to Brenham, was he?

"A. Yes, sir.

"Q. Did you go with him?

"A. Yes, sir.

"Q. What happened, if anything, on the way? What time in the day was it that you started?

"A. I suppose when we started it was about 4 o'clock.

"Q. In the afternoon?

"A. Yes, sir.

"Q. How did you go?

"A. We left Mr. Lott's, the post-office at Mr. Lott's, in a buggy.

"Q. This election was held at what is called Lott's Store?

"A. Yes, sir; at Lott's Store.

"Q. You may proceed.

"A. I put in one of my horses and he put in one of his, and we stopped at Independence. When we got there we lost the tap off the bolt of the single-tree that holds the single-tree to the double-tree.

"Q. No matter about that.

"A. And we stopped at my brother's to get his hack to go on to Brenham in, and I suppose it was about sundown when we got there.

"Q. It was about sundown when you got there?

"A. When we got to Independence.

"Q. How far is Independence from Lott's Store?

"A. I think it is about 9 or 10 miles.

"Q. Proceed.

"A. We ate supper, and when we got through supper and had fed up our horses, we hitched right up and started for Brenham.

"Q. When was this, on the 3d?

"A. Yes, sir; it was on the 3d. When we passed Independence, about 2 miles, I suppose, three armed men came out under the shade of the trees and halted us and told us to hold up.

"Q. What did they say?

"A. They just walked out and said, 'Hold up.' Mr. Spann asked them, he says, 'What does this mean?' One of them said, 'I want that ballot-box.'

"Q. Who said that?

"A. One of the armed men. Mr. Spann didn't say anything then. 'Well,' he says, 'we want it.' He says, 'Hold your guns on them.' There were two pistols and a Winchester, I took it to be. I don't know whether they were six or seven shooters, but there were two pistols.

"Q. Was each man armed?

"A. Yes, sir; each man was armed and masked, and one said to the other, 'Stand on the opposite side and hold your gun on them.' Mr. Spann says, 'I will not give up the box.' The man said, 'Well, we will have it.' Mr. Spann said, 'If you will, you will have to take it; I will not give it up.' Then one of them said, 'Well, by God, I can take it.' The box was down in front of us under the seat, right in the front of the hack, and he reached his hand in and took it out. Then he said, 'We want the tally-sheets,' and Mr. Spann put his hand back to get them out, and the man said, 'We do not want any disturbance.' Then Mr. Spann pulled them out and handed him one, and he said, 'I think there is another,' and he handed him a second one, and he said, 'Well, I believe there ought to be another.' Mr. Spann said, 'I have no other.' 'Well,' he said, 'drive on' somewhere, and so we drove on.

"Q. They took the ballot-box, did they?

"A. Yes, sir; they took the ballot-box.

"Q. And the tally-sheets?

"A. Yes, sir.



"Q. Did they ask for anything besides the ballot-box and tally-sheets?  
 "A. That was all they asked for.  
 "Q. Did you know who they were?  
 "A. No, sir; I did not.  
 "Q. Do you know whether they were white men or not?  
 "A. No, sir; I can not say whether they were white or black, because they were masked.  
 "Q. Were their hands masked?  
 "A. I can not say that they were or that they were not.  
 "Q. How dark was it?  
 "A. The moon was shining, but this was under the shade of the trees.  
 "Q. What sort of masks did they have on?  
 "A. They had handkerchiefs over their faces and hats pulled down over their foreheads.  
 "Q. What did you do then?  
 "A. Mr. Spann drove on. We just drove on to Brenham and reported.  
 "Q. Who did you report to?  
 "A. To Hugh Lewis, the county clerk, and to Judge Kirk, the judge of that county.  
 "Q. Do you mean this gentleman who is here [indicating]?  
 "A. Yes, sir; I believe he is county judge. I do not know.  
 "Q. What did you report to him?  
 "A. We reported that we were halted by three masked men and that the ballot-box was demanded of us.  
 "Q. What did he say?  
 "A. I do not know what he said now.  
 "Q. Do you know the proportion of colored and white voters in that precinct?  
 "A. No, sir; I do not.

"By Mr. EUSTIS:

"Q. You say you voted at Lott's post-office precinct?  
 "A. Yes, sir.  
 "Q. Was it or not a quiet and orderly election at that precinct?  
 "A. Yes, sir; it was so.  
 "Q. Was there any disturbance of any kind at that precinct?  
 "A. Not a particle.  
 "Q. Was there any intimidation of any kind towards any voters?  
 "A. No, sir.  
 "Q. Everybody voted freely and as he wanted to?  
 "A. Yes, sir.  
 "Q. Were you at Lott's Store during the whole day until the polls closed?  
 "A. Yes, sir.  
 "Q. If any voter at that precinct wanted to vote the Republican ticket, could he not do it with freedom and without molestation just the same as any Democrat would do?  
 "A. Yes, sir.  
 "Mr. EUSTIS. That is all I desire to ask."

#### THE POLLS AT GRABALL'S.

This was a strong Republican precinct and the colored people were there some 5 to 1 of the whites. The election proceeded quietly, and while the count was going on, and it had been ascertained that the votes cast were 347 and they had counted and strung all the votes but 96, which were still in the ballot-box, three armed and masked men entered the room, called the judges to "hold up," and at the point of the pistol seized the ballot-box, the string of votes, and one of the tally-sheets. The ballot-box they carried away, and while still in the room they tore up the votes and the tally-sheet they seized. The tally-sheet which one of the judges had retained was carried to Brenham and delivered to the county judge, Lafayette Kirk. There is some indistinctness, from conflict and obscurity in the testimony, as to the exact state of the polls.

The committee, however, thinks that there was a majority of something like 100 for the straight Republican ticket among the votes strung, and that all ballots remaining in the box were Republican. Not long before the "raid" upon the ballot-box, a prominent Democrat had entered the room and conferred with one of the Democratic judges, and read a note to him and left it with him, the contents of which the committee was not able to ascertain. The manner in which the seizure of the votes and the ballot-box was made is shown in the testimony, as follows:

#### "TESTIMONY OF WILLIAM M. SHAW.

"William M. Shaw (colored), having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. How old are you?  
 "A. I will be twenty-four in about the 8th of March, coming.  
 "Q. Where do you live?  
 "A. In Washington County, Texas.  
 "Q. How long have you lived there?  
 "A. I was raised there; all my life.  
 "Q. What do you do for a living?  
 "A. I am farming.  
 "Q. Are you a married man?  
 "A. Yes, sir.  
 "Q. What are you in politics, a Republican or Democrat?  
 "A. I am a Republican.  
 "Q. At what polling place do you vote?  
 "A. At Graball's.  
 "Q. Were you there at the election on the 2d of November last?  
 "A. Yes, sir.  
 "Q. Do you know how many votes were cast at that polling place?  
 "A. Three hundred and forty-seven.  
 "Q. About how many of that number were Republican, and how many of the People's ticket?  
 "A. I think there were about 60 for the Democratic ticket.  
 "Q. By that you mean the People's ticket which was running at that time?  
 "A. I mean the Democratic ticket.  
 "Q. And the rest were Republican votes, were they?  
 "A. Yes, sir.  
 "Q. How many of these Republican votes were colored votes?  
 "A. I suppose all the rest remaining were colored Republican tickets.  
 "Q. Do you mean to say that the most of the Republicans who voted at that precinct were colored men?  
 "A. Yes, sir.  
 "Q. The white men were Democrats, generally?  
 "A. Well, some few colored voted in with them. It amounted to about 60 tickets.  
 "Q. That is, the white and colored Democrats amounted to 60 tickets?  
 "A. Yes, sir; and those scratched, too.  
 "Q. And the others were straight Republicans?  
 "A. Yes, sir; right straight through.  
 "Q. Were you one of the officers of that election?  
 "A. Yes, sir.  
 "Q. What were you?  
 "A. Judge.

"Q. Presiding judge?  
 "A. No, sir.  
 "Q. One of the side judges?  
 "A. Yes, sir.  
 "Q. What happened at that election?  
 "A. Well, the box was taken.  
 "Q. Tell us all about it in your own way; what time of the day it was and all about it.  
 "A. I could not exactly tell the hour, but it was two or three hours before day.  
 "Q. Do you mean after the polls closed?  
 "A. Oh, no, sir; it was way after the polls was closed; it was past midnight. I mean about two hours and a half, I think, before day.  
 "Q. The election went along quietly all day?  
 "A. Yes, sir.  
 "Q. Then after the polls closed you took a count of the votes?  
 "A. Yes, sir.  
 "Q. Who were the officers with you there that day?  
 "A. Ed. Brown was one.  
 "Q. Was he colored?  
 "A. Yes, sir.  
 "Q. Who else?  
 "A. Ben Aubrey.  
 "Q. Was he colored?  
 "A. No, sir; he was white.  
 "Q. A Republican or Democrat?  
 "A. A Democrat.  
 "Q. Who else?  
 "A. There was Paul Connell.  
 "Q. Was he a white man or a colored man?  
 "A. A white man.  
 "Q. And a Democrat?  
 "A. Yes, sir.  
 "Q. Who else?  
 "A. There was Butcher; his first name I am not acquainted with.  
 "Q. Was he a colored or a white man.  
 "A. He was a white man.  
 "Q. And a Democrat?  
 "A. Well, he said he didn't vote for nobody; that was what he said.  
 "Q. Who else was there?  
 "A. And I, William Shaw.  
 "Q. There were only two colored men, then, on that board?  
 "A. Yes, sir.  
 "Q. You and Ed. Brown?  
 "A. Yes, sir.  
 "Q. And the other three were white men and Democrats?  
 "A. Yes, sir.  
 "Q. What time did you commence counting the votes—when the polls closed?  
 "A. Yes, sir.  
 "Q. And you kept counting until 3 o'clock in the morning?  
 "A. Yes; until about 3 o'clock in the night.  
 "Q. Had you finished the count at that time?  
 "A. No, sir.  
 "Q. What made the count so slow?  
 "A. Well, we were going along, and Mr. Connell he stated that it would be best to pick out the Democratic tickets and People's tickets, you know—those that were marked—and then after that we would tally by fives. He said that we would get along faster.  
 "Q. So you went through all the ballots and picked out the Democratic or People's ticket, and then picked out the Republican tickets.  
 "A. Yes; we were on them.  
 "Q. You were picking them out?  
 "A. We had done tallied up these Democratic or People's tickets.  
 "Q. Had you begun to tally the Republican tickets?  
 "A. Yes, sir.  
 "Q. But had not finished them?  
 "A. No, sir.  
 "Q. Then what happened?  
 "A. Well, the box was taken.  
 "Q. Who took it and how was it taken?  
 "A. I don't know, sir; but there were some white men who took it.  
 "Q. Did the men come into the room?  
 "A. Yes, sir.  
 "Q. Well, tell us about it. How many men?  
 "A. Mr. Calloway, he brought in a note and called Mr. Connell away.  
 "Q. Who was Mr. Calloway?  
 "A. Mr. Milton Calloway.  
 "Q. Was he a Democrat?  
 "A. I do not know.  
 "Q. Was he a white man?  
 "A. Yes, sir.  
 "Q. Mr. Connell went out then, did he?  
 "A. Yes, sir; off on the back—well, fully as far, I suppose, as it is to that map at the side of the room [indicating].  
 "Q. Then what happened?  
 "A. Then he read a note to him.  
 "Q. Then Calloway read a note to Connell?  
 "A. Yes, and Mr. Connell then called Mr. Butcher and read it to him, and then brought it back and laid it on the table.  
 "Q. Did you see it?  
 "A. Yes; I was looking at it, but I didn't get to read it.  
 "Q. Did you try to read it?  
 "A. Yes, sir.  
 "Q. Did you read any of it?  
 "A. No, sir.  
 "Q. What prevented your reading it?  
 "A. He taken it up and put it in his pocket.  
 "Q. Did he jerk it away?  
 "A. Well, he raised up that way [indicating] and just held it up and put it in his pocket.  
 "Q. So you had no chance to read it?  
 "A. No, sir.  
 "Q. What happened then?  
 "A. About a half hour after that three men came in and taken the tickets.  
 "Q. What was their appearance; how did they look?  
 "A. They had something over their faces, a kind of mask.  
 "Q. What sort of hats did they have on?  
 "A. One had on a large white hat and the other two had on small hats.  
 "Q. How were they dressed?  
 "A. I never noticed their dress. I just looked at them and saw that they were masked.  
 "Q. Do you know who they were?  
 "A. No, sir.  
 "Q. Were they armed?  
 "A. Yes, sir; they presented their pistols and said, 'Hold up, hold up, hold up.'



"Q. What else did they say?  
 "A. Then they grabbed the box, and Mr. Aubrey, he grabbed it and folded it in his arms in that way [indicating], and they threw out their hands and grabbed hold of the box, and punched the side of his head that way with a pistol [indicating].  
 "Q. And took the box away from him?  
 "A. Yes, sir.  
 "Q. Were all the ballots in the box?  
 "A. No, sir; I had strung a right smart of them.  
 "Q. There were some ballots in the box?  
 "A. Oh, yes, sir.  
 "Q. How many?  
 "A. There were about 96.  
 "Q. And they were all Republican ballots, were they not?  
 "A. Yes, sir; every one right through.  
 "Q. What did they do with the box?  
 "A. They carried it out of doors.  
 "Q. Did these gentlemen, these Democrats, protest at all or say anything; that is, Mr. Connell or Mr. Butcher? What did they say or do?  
 "A. When they taken the box, at the time they taken the box, they just disappeared outside of the door, you know, and Mr. Connell he laughed and said, 'Boys, what are you going to do; I wish they had come in about two hours and a half ago and taken the box. I knowed they were going to do it, anyhow.'  
 "Q. Who said that; Mr. Connell?  
 "A. Yes, sir.  
 "Q. You say he laughed?  
 "A. Yes, sir; he laughed, and then jumped up and went right out as though he was going home.  
 "Q. That was the end of that election?  
 "A. Yes, sir.  
 "Q. And those votes were not counted?  
 "A. No, sir.  
 "Q. What became of the ballots?  
 "A. They took those, too. I had those, and they taken those too.  
 "Q. Did you have any tally-sheets?  
 "A. Yes, sir.  
 "Q. What became of them?  
 "A. They taken those, too; they taken everything.  
 "Q. Did they have horses, do you know?  
 "A. I did not see them with any horses.  
 "Q. You never saw those ballots any more?  
 "A. No, sir.  
 "Q. Nor the box?  
 "A. No, sir.  
 "Q. Had there been some colored people around there during the evening before this happened?  
 "A. Yes, sir; Henry Gardner, and Wright, and a good many more were there.  
 "Q. They were not there when this thing occurred, were they?  
 "A. He told me that after they had taken the box (he was living at father's) how they went down the road.  
 "Q. Had there been some shooting before this box was taken?  
 "A. Yes, sir.  
 "Q. How long before this box was taken?  
 "A. That was in the first part of the night.  
 "Q. They had frightened most of the colored people away from the polls, had they not?  
 "A. Well, when I got out there were not many. I don't know whether they ran them off or what.  
 "Q. How long before the morning was it when these men came into the room?  
 "A. It was about two and a half hours before daylight.  
 "Q. What justice's precinct, if you know, was this Graball polling place in?  
 "A. It is precinct No. 1 at Graball.  
 "Q. Was that the strongest Republican precinct in the county, do you know?  
 "A. I do not know. I thought that Brenham was the strongest.  
 "Q. It was the largest colored precinct in the county?  
 "A. Yes, sir.  
 "Q. That is to say, it was the principal colored precinct of the county?  
 "A. Oh, yes, sir.  
 "Q. You heard of other ballot-boxes being raided that day or night, did you not?  
 "A. Yes, sir.  
 "Q. At Kiewellen's?  
 "A. Yes, sir; at Kiewellen's.  
 "Q. And you heard of the ballot-box and tally-sheets from Lot's Store being stolen?  
 "A. Yes, sir; I heard about that.  
 "Q. These things only happened at that election in the colored precincts? You did not hear of any such a thing happening in any of the white precincts?  
 "A. No, sir" (pages 50-53).  
 E. B. Brown (colored), having been duly sworn, was interrogated as follows:  
 "By Mr. SPOONER:  
 "Q. Where do you live?  
 "A. In Washington County, in the State of Texas.  
 "Q. What is your age?  
 "A. I am about forty-five years old.  
 "Q. How long have you lived in Washington County, Texas?  
 "A. In Washington County I have lived twenty-one years. I went there in the spring of 1866.  
 "Q. How long have you lived in Texas?  
 "A. Altogether about twenty-six or twenty-seven years.  
 "Q. What is your business?  
 "A. Farming.  
 "Q. Do you own land there?  
 "A. No, sir.  
 "Q. At what polling place do you vote?  
 "A. At Graball.  
 "Q. Did you attend the general election held there on the 2d of November last?  
 "A. Yes, sir.  
 "Q. Were you one of the officers of the election?  
 "A. Yes, sir.  
 "Q. What position did you hold there?  
 "A. I was a clerk.  
 "Q. Just tell the committee all about that in your own way; describe everything that happened.  
 "A. Well, we counted on up until we got up to that amount, and then three men walked in.  
 "Q. Did anybody come in there before anybody came and took the ballot-box?  
 "A. Yes, sir; we had a heap of passing in.

"Q. Was any note sent in there?  
 "A. Yes, sir; Mr. Calloway, Mr. Milton Calloway.  
 "Q. What is he—a Democrat?  
 "A. Yes, sir.  
 "Q. Well, what about him?  
 "A. He brought in a note there and called two of the officers from the table.  
 "Q. Were they white or colored men?  
 "A. He called two of the white ones from the table, about as far as from here to those chairs [indicating]. We had a nice, big lamp in there, and we could see very well, and he was reading it off to them secretly. I don't know what was in it.  
 "Q. He was reading in a low tone of voice?  
 "A. Yes, sir; he whispered it, so that I didn't know what he said.  
 "Q. Did one of those men bring that note and lay it down on the table?  
 "A. Yes, sir; Mr. Butcher; he could not see good there in the rear of the table; he gave it to him, and he brought it before him just so [indicating], and spread it out and looked at it, and I was sitting like that gentleman there [indicating], and he was sitting at the head of the table, just as I am here, and looking down at it, and I sort of peeped at it; I wanted to get a chance to look at it, I don't generally do such things, but I looked that way, and he caught my eye, like, and he folded it up nicely and put it in his pocket.  
 "Q. You did not see it?  
 "A. No, sir; I never got to see what was in it. About half an hour after that the box was taken.  
 "Q. Tell us about that.  
 "A. Three white men came there.  
 "Q. How were they dressed?  
 "A. All three were dressed pretty much alike, in black suits, and had their coats all buttoned up very nicely, and something white over their faces; they had it down along here [indicating below the eyes].  
 "Q. Did you know who they were?  
 "A. No, sir.  
 "Q. Did you know any of them?  
 "A. No, sir.  
 "Q. Were they armed?  
 "A. Yes, sir; three of them had very large pistols and presented them.  
 "Q. Revolvers?  
 "A. Yes, sir.  
 "Q. What did they do with their pistols?  
 "A. They presented them on us and threw them down, and said, 'Hold up.'  
 "Q. Did they say what they wanted?  
 "A. No, sir; they just said, 'Hold up,' and we put our hands down, and I had my tally-list before me there, and the box was sitting pretty much like that stand [indicating], and they grabbed that, and then there was a great string of tickets, and they grabbed them, and grabbed my tally-sheet and Mr. Connell's and went kind of sideways out of the door and slammed the door behind them.  
 "Q. What did these white men do who were officers with you?  
 "A. They said if they are going to take it, they wish they had come two hours and a half sooner, and then we would have been home asleep instead of sitting up all night for nothing.  
 "Q. They did not resist them, did they?  
 "A. Mr. Aubrey grabbed at it a little.  
 "Q. But they took it from him?  
 "A. Yes, sir.  
 "Q. Did one of those officers laugh about it?  
 "A. Yes, sir; they laughed.  
 "Q. Which ones laughed?  
 "A. Mr. Butcher and Mr. Connell.  
 "Q. They both laughed about it?  
 "A. Yes, sir; I do not know their intention in laughing; they may have laughed because they were scared or something that way, like myself (pages 58-61).  
 Mr. Aubrey, a Democrat, who served as an officer of election at Graball's, tells the same story substantially.  
 "Q. Evidence has been given here that this box was raided, as they call it?  
 "A. Yes, sir; it was.  
 "Q. What time was that?  
 "A. The box was captured about 11 o'clock or a little after.  
 "Q. Eleven o'clock at night?  
 "A. Yes, sir; I don't know exactly the time. I did not have any time-piece myself, but I know it was about 11 or a little after. I got home a little before 12, a few minutes before 12, and I lived about a mile and a half from the voting place.  
 "Q. Was it done by masked men?  
 "A. Yes, sir.  
 "Q. Did you see them?  
 "A. Yes, sir; I saw two of them. Two of them came in the room where we were counting the votes, and there was a third one, but he didn't come into the room; he stood in the door and never came any further than the door. But two of them came in the room.  
 "Q. Have you ever formed any impression as to who those two men were?  
 "A. I could not positively say who they were; I could not tell from the way they were masked. That is, I could not swear to them who they were.  
 "Q. I know, but I speak of your impression?  
 "A. Well, the only suspicious looking characters that I saw about there that day were two men from Brenham who were trying to control the vote.  
 "Q. Who were they?  
 "A. The name of one of them was Lockett, and the other was Gilder; Ed. Lockett and Lonny Gilder. They were officiating around there that day, pretty much all day.  
 "By Mr. TELLER:  
 "Q. You say Lockett was one; who was the other?  
 "A. Ed. Lockett and Lonny Gilder. They were trying to influence some people to vote.  
 "By Mr. EUSTIS:  
 "Q. To vote which ticket?  
 "A. They were trying to influence them to vote their way.  
 "Q. Which way is that?  
 "A. They were Republicans.  
 "Q. What is the character of those men; their general reputation?  
 "A. I am not very well acquainted with either of them, but from what I could learn about them they are a sort of hangers-on around the county seat at Brenham. They are not competent to fill an office, or the people haven't confidence in them to put them in, but it seems that they promised them a divide in their salary if they will officiate around and control the ignorant people enough to get their ticket through.  
 "By Mr. TELLER:  
 "Q. You are telling something you have heard; you don't pretend to know it?  
 "A. I only hear this. I saw them there officiating around.  
 "Q. But you heard they had agreed to divide with them; you do not know it?  
 "A. No, sir; I have only heard that.

"Q. You do not pretend you know anything about that?  
 "A. No, sir; I do not know it, but that is what I have heard. I know they were there officiating around that day.

"By Mr. EUSTIS:

"Q. Did you hear anybody say that two of those masked men were Lockett and Gilder?

"A. No, sir; I never heard any one say so; but, as I say, they were officiating around there all day, and I understood afterwards they were at Mr. Flewellen's, which is the next voting box from our precinct, and the next morning as soon as I could get to Brenham to make the report of what had happened at our box, before I got out of the vehicle that I drove there in, these two men were the first two men who met me that I knew, and they asked me what was the news down in our part of the neighborhood, and I told them what was the news, that the box was captured and a young man had been killed at the other voting place; and they asked me several questions concerning the election and then left me, and I never have seen or heard of them since, and it seemed as though they must be guilty of something or they would not have left the country.

"Q. Had you any information whatever that this box would be raided?

"A. No, sir; I did not; it was all a surprise to me. At the time the box was taken there was a negro that was on the ground that day with a lunch-stand that I was well acquainted with and had sent out for him to bring us in some coffee, and there were two of them came in with it, and one staid in while the other stepped back to get some sugar to sweeten the coffee, and about the time that he passed out at the door this party came in. We had had the door fastened previous to these black people coming in with the hot coffee, and when we unfastened the door to let them in, as this one went out to get the sugar he had forgotten it, this party of masked men stepped in, and I was not looking towards the door until some one hollered, 'Look out!' This was in the front room of the house of our neighborhood physician, we were counting the votes. I attempted to make my escape into the back room with the box, and one of them hollered, 'Look out,' and as I looked around the end of a pistol touched me on the end of the nose, and he taken the box and also grabbed the tickets that were strung. We strung these tickets as we counted them, and he grabbed them and tore them all to pieces, scattered them all over the floor, and went off with the box.

"Q. He took it from you?

"A. Yes, sir.

"Q. Is that a Republican precinct?

"A. Yes, sir.

"Q. Pretty strongly Republican, is it not?

"A. Yes, sir.

"Q. What proportion do you say are Democrats, or those who vote the People's ticket there usually?

"A. As I say, the black people are five to one in that precinct, but at the last election and the one previous to this last election, they were tolerably well divided" (pages 333-335).

THE POLLS AT FLEWELLEN'S AND YOUNG BOLTON SLAIN IN THE ACT OF "RAIDING" THE BALLOT-BOX.

At about 12 m. of election day Kirk, who was a candidate for county judge on the People's ticket, sent a telegram from Brenham to D. D. Bolton, at Courtney, near Grabball's, who was on the same ticket as county commissioner, in these words:

"Things here look doubtful. Do your work."

There had been an agreement the day before for the conveyance of information as to the look of the voting. D. D. Bolton received this message at dusk and showed it to his son, Dewees Bolton, and on starting for his home, not distant, directed his son to come with him, and he did so. Grabball's is 4½ miles from Flewellen's. The latter polls was a strong Republican and colored voting place.

The election was quietly conducted and the officers were engaged in counting the votes when Kirk came in, inquired how the votes were running, looked at the tally-list, which had been counted up to 69 out of about 159 votes, and looking over the tally-sheet on the table, called out, "Jimmie Hewitt 43, and Charlie Herbst 19." These were Hewitt, colored, Republican, and Herbst, Democrat, opposing candidates for district clerk. Kirk called the presiding judge, white and Democrat, Robinson, out of the room, and after a few minutes Robinson returned alone. They went on with the count and in about half an hour a knocking was heard upon a closed door, and upon its being repeated, an answer was made from the room, "Come in." The door was opened from without, whether by force or not seems uncertain, and three men, armed and disguised, presented their pistols and some or one of them called out "Hold up" or "Hands up" and demanded the ballot-box.

The foremost man in entering turned out to be young Bolton. There were several colored men in the room, unarmed and peaceable; but one of them, Polk Hill, passed out of the room, through a door opposite that at which the entrance was asked, into a gallery where there were some shotguns. Instantly upon the demand of the ballot-box at the point of the pistol, a shotgun was fired from the gallery through the partly open door, and young Bolton fell dead across the threshold, his pistol falling at his feet. He was disguised in a yellow waterproof, called a "slicker," covering his body, and a white handkerchief covering the face below the eyes, knotted behind his neck. All in the room fled at once in dismay, and the dead man was left alone, uncared for, as he lay, all night, the lamp burning brightly.

Towards morning Presiding Judge Robinson persuaded an aged colored man, his neighbor, Alfred Jones, to leave the sick-bed of his wife and go with him to the scene of the homicide, on the plea that he was afraid to go alone. This man had no knowledge of the bloody occurrence until informed of it by Robinson, but their visit to the dead body, which had been untouched, the inspection of the *corpus delicti*, and observation of the scene of the transaction, cost him his life. This made him a witness of the disguise, and the murderous weapon of Bolton, and the manner of his fall. When afterwards an attempt was to be made to make out Bolton an unarmed and undisguised and innocent and peaceful visitor to the polling place, and slain by unprovoked violence of the colored men, Alfred was arrested, put in jail, and hung upon no conceivable incentive but to make a way with his testimony.

The ballot-box was emptied, the ballots scattered about the floor, and were not counted in the election.

The following extracts from the testimony exhibit, in bold features, the bloody catastrophe at Flewellen's:

"TESTIMONY OF T. M. JONES.

"T. M. Jones (colored), having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. What is your name?

"A. T. M. Jones.

"Q. Where do you live?

"A. I live in Washington County, Texas.

"Q. At what place in the county?

"A. My home is in Brenham, just outside of the corporation, but my work is in the country; that is where my work is—school-teaching.

"Q. You are a school-teacher?

"A. Yes, sir.

"Q. What is your age?

"A. My age is twenty-three.

"Q. How long have you lived in Washington County?

"A. All my days—for the last twenty-three years.

"Q. In what precinct were you a voter on the last election, on the 2d of November?

"A. I voted in Justice's precinct No. 1.

"Q. Were you an officer of the election?

"A. I was clerk of the election.

"Q. At that poll?

"A. Yes, sir.

"Q. On the 2d of November last?

"A. Yes, sir.

"Q. That is in the black district, or black belt, as it was called?

"A. Yes, sir.

"Q. When you had partially completed the count, what occurred?

"A. Some men entered the house; I do not know how many there were. They came into the house and had on these long yellow rubber coats. I don't know what time of the night it was.

"Q. Were they all of them dressed in rubber coats?

"A. I can not tell you, but I am sure one of them was.

"Q. How many came in?

"A. I could not tell you. It scared me and I could not tell you how many there were or whether they were all dressed that way or not.

"Q. Were they armed?

"A. I am sure one of them was. I could not identify but one who was armed.

"Q. Were they in disguise at all?

"A. Yes, sir, partly; with handkerchiefs tied across here [indicating across the face].

"Q. How many do you think there were of them?

"A. I could not tell.

"Q. Were there more than two?

"A. Yes, more than two; about three, I suppose.

"Q. What time in the evening was this?

"A. It was something past 11 o'clock.

"Q. It was while you were all there counting the votes?

"A. Yes, sir.

"Q. What did they do; how did they get in; did they force their way in?

"A. They came up to the door and knocked on the door once, and at that time one of the men in the room walked out of the door, and then Mr. Robinson said, 'There goes one man after his shotgun'—in that tone of voice; and that time the second knock came on the back door; Mr. Robinson said, 'Come in;' and then they turned the button of the door and pushed it open and came in, and one presented a pistol and said something, but I could not tell you what it was, because the handkerchief was tied over his mouth; but he put his pistol down in that way [indicating]. I ran out of the same door they came in.

"Q. Did you strike one of them as you were going out?

"A. Yes, sir; I was stooping to go out, and I butted one of them in the stomach, the one that was the foremost one coming in.

"Q. Did he strike you when you did that?

"A. Yes, sir; just as I stooped to go out and butted him he struck me on the back with something hard. I suppose it was the handle of a pistol. I felt it strike me in the back.

"Q. Do you remember anything they said?

"A. No, sir; I don't remember anything they said; but they said either 'hold up' or 'hand up.' I couldn't tell you exactly which words they used.

"Q. What did they do?

"A. I could not tell what they did, because I was outside.

"Q. Did you go back again?

"A. No, sir; I did not go back into the house. Immediately after I got out of the door I heard two shots fired in quick succession.

"Q. Do you know what became of the ballot-box or the ballots?

"A. No, sir; I do not.

"Q. Did any one call there half an hour before this occurrence?

"A. Yes, sir; I could not tell whether it was half an hour or not, but it was some time before that.

"Q. Who was it?

"A. Judge Kirk came in before that occurred.

"Q. Tell as near as you can how long it was before these men came there.

"A. Well, just before Judge Kirk came in—a few minutes before he came in—

"Q. Do you mean this gentleman here [indicating]?

"A. Yes, sir. Before he came in Mr. Calls asked me for my watch-key to wind up his watch, which had run down, and I took out my watch and held it in my hand and told him to take the watch-key and wind up his watch. But my key would not fit his watch, and he asked me what time it was, and I told him it was a quarter past 10, I think, or three-quarters past 10; I think it was forty-five minutes past 10; and I suppose it was about a quarter of an hour from that time until Judge Kirk came in.

"Q. That would make it about 11 o'clock?

"A. Yes, sir.

"Q. What did he come there for?

"A. I do not know. He came in and asked, 'How is things going, boys?' and one of the officers said, 'We can't tell how things are going.' He said 'You can give an idea of the count; let me see how Hewitt and Herbst are running;' and he turned the tally-sheet on the table that Calls had and said, 'Jim Hewitt 43 and Charlie Herbst 19.'

"Q. Who was Jim Hewitt?

"A. He was the colored man running on the Republican ticket for district clerk.

"Q. And the other man was the People's candidate for the same office?

"A. Yes, sir.

"Q. You say Judge Kirk looked over them and took note of the count as to those two officers?

"A. Yes, sir; he said 'Jim Hewitt 43 and Charlie Herbst 19.'

"Q. Then did he go away?

"A. Yes, sir; he went to a bed where one of the gentlemen was lying—Mr. Rogers—and shook him and talked to him, and then came on back to where Mr. Robinson was at the table; that is, beside the table.

"Q. Who went out with Judge Kirk—anybody?

"The WITNESS. Do you mean when he started out?

"Mr. SPOONER. Yes.

"The WITNESS. Yes, sir. When he started out he said, 'Robinson, let me see you a minute;' and Robinson said, 'I haven't time; I am busy.' Then he said, 'I only want to speak to you a few minutes.' So Robinson went out and spoke to him about a minute or two.

"Q. He went outside?

"A. Yes, sir.

"Q. How long after Judge Kirk's visit to the polls and his examination of the list was it before these gentlemen made their appearance with the pistols and disguise?

"A. I can not tell exactly, but I guess it was about half an hour; I suppose it was.



"Q. Did Judge Kirk say anything about having been at Graball's?"  
 "A. Yes, sir. Some one, I can not remember who it was, asked him was he from Brenham, and he said, 'No, not exactly.' They said, 'How is things at Graball's?' and he said, 'Graball's is all right.'  
 "Q. You never went back to complete that count?"  
 "A. No, sir; I did not.  
 "Q. Have you heard anything about whether it was completed?"  
 "A. No, sir; I have not heard.  
 "Q. Did you hear anything about what became of the ballots or ballot-box that were taken away by these men?"  
 "A. I could not say; I have not heard. I have heard many rumors, but it is not worth while to state them, for I do not believe hardly anything I hear.  
 "Q. Did all these men leave the room?"  
 "A. I do not know. I was the first to leave, I believe, because I was nearest the door.  
 "Q. Robinson was the presiding judge?"  
 "A. Yes, sir.  
 "Q. Was he a Democrat or a Republican?"  
 "A. I do not know. I was not much acquainted around there.  
 "Q. He was a white man, was he not?"  
 "A. Yes, sir.  
 "Q. Was he the one who said, 'There goes a man for his shotgun'?"  
 "A. Yes, sir.  
 "Q. Did he say that in a loud or a low tone of voice?"  
 "A. In a tolerably loud tone of voice, I believe; he spoke out tolerably loud.  
 "Q. How did he happen to say this?"  
 "A. I could not tell you. By the man's going out the door; that is the only reason I could say.  
 "Q. Did you hear these men in the alley at that time?"  
 "A. Yes, sir; we heard them when they first entered the gallery on the back side, and there was a portico on the front side.  
 "Q. Did you hear them at the time he made this remark?"  
 "A. Yes, sir. When they walked up on the gallery all stopped writing immediately, and as they walked up and shook the door this man went out.  
 "Q. You have heard, have you not, that this ballot-box was carried away at that time, and that the votes cast at that polling place were not counted?"  
 "A. Yes, sir.  
 "Q. And you have not heard that contradicted, have you?"  
 "Mr. EUSTIS. I submit that that is hardly evidence.  
 "Mr. TELLER. I think it is perfectly proper to show that an armed body of men came in and the judges ran away, and to show what the report is about; whether such is the public rumor or not.  
 "Mr. SPOONER. I will not press it. [To the witness:]  
 "Q. In counting, were these mostly Republican tickets as far as you had counted?"  
 "A. Yes, sir.  
 "Q. Straight tickets?"  
 "A. A few of them were scratched.  
 "Q. How did you count them, in tens?"  
 "A. We started to count them in tens first. We made two tallies first.  
 "Q. Did you count slowly or rapidly?"  
 "A. Right slowly; tolerably slowly.  
 "Q. How long had you been counting when these men came in?"  
 "A. I do not know exactly, but we started to count about 7 o'clock, as near as I can reckon.  
 "Q. And had only counted 69?"  
 "A. Yes, sir.  
 "Q. Most of them straight Republican tickets, as you say?"  
 "A. Yes, sir.  
 "By Mr. EUSTIS:  
 "Q. Do you know a man named Polk Hill?"  
 "A. Yes, sir.  
 "Q. Was he at that precinct that night?"  
 "A. Yes, sir; he was.  
 "Q. Is he a white or a colored man?"  
 "A. He is a colored man.  
 "Q. Did you see him there at that precinct that night?"  
 "A. Yes, sir; I saw him there.  
 "Q. Was he armed?"  
 "A. I do not know whether he was or not. I saw him sitting in the house. He did not have any gun in the house with him. I did not see him with a gun.  
 "Q. You testified before the coroner's inquest about the killing of Bolton, did you not?"  
 "A. Yes, sir.  
 "Q. You said there, 'I know that Polk Hill had a gun on the ground.'  
 "A. During the day he had one, but I did not see him with one that night. He may have had one home; I could not tell you. I know he came there with one that day when he voted.  
 "Q. What time did he come there?"  
 "A. I think it was about 12 o'clock.  
 "Q. He came with a gun?"  
 "A. Yes, sir; with a shot-sack hanging across his shoulder.  
 "Q. Who were present outside that night? Do you remember seeing Shad Felder?"  
 "A. He was not outside. Those I saw on the inside were Polk Hill, Shad Felder, Felix Kinlaw, and Stewart Jones.  
 "Q. What were they doing there?"  
 "A. They were sitting down on a long bench in the house.  
 "Q. Were they white or colored men?"  
 "A. Colored men.  
 "Q. Do you know they were not armed?"  
 "A. I do not know, sir. I did not see them with a gun; that is, they did not have it in there. In fact, I was so busy I did not notice any one in the house. But I know I saw some of them with a gun that day. I saw Polk Hill have a gun that day, and whether he had one that night or not I can not say.  
 "By Mr. SPOONER:  
 "Q. Who else did you see with a gun?"  
 "A. Let me see; did I see any one else. [Pausing.] Probably I did, but I can not remember. It has been a good while.  
 "By Mr. EUSTIS:  
 "Q. Don't you know that Shad Felder, Andy Hayes, Alfred Jones, and some others, colored men, were there that night, and had arms within their reach if not on their persons?"  
 "A. No, sir; I do not know that. I did not inquire into the matter.  
 "Q. And that they had come there armed?"  
 "A. No, sir; I did not know it; I did not know that any one at all had come there armed, in fact, because I did not think of such a thing, because I was in the house all day and didn't know anything that was going on outside.  
 "Q. What made you so frightened merely because a man came there into the room?"  
 "A. Well, I know when they came, I remember that one of the men, I can not remember who it was—Calls or Robinson, one, spoke of it—of the men

coming in during the day, and he said, 'Suppose somebody should come in on us like they did at Chapel Hill.' He said, 'There would be hell to pay;' just in that language. He spoke of it twice.

"By Mr. TELLER:

"Q. You say this was Robinson who said that?"  
 "A. It was Robinson or Calls; I can not say which. But that frightened me; I was scared all the evening.

"By Mr. EUSTIS:

"Q. Who was it that was killed that night?"  
 "A. Mr. Dewees Bolton.  
 "Q. Who killed him?"  
 "A. I do not know any more than I heard. I heard that Polk Hill said that he killed him; I do not know it; I only heard it.  
 "Q. Polk Hill is the man whom Robinson alluded to when he said there goes a man for a gun?"  
 "A. Yes; he was the man.  
 "Q. You said that some of these tickets were scratched?"  
 "A. Yes, sir.  
 "Q. In whose favor were they scratched?"  
 "A. I never took notice. Some of the Republican tickets were scratched I am sure, and on the People's ticket I noticed that there was one man running, Rankin I think it was, and that was the only name that I noticed on the People's ticket that was scratched.  
 "Q. Did you notice any scratching in favor of Judge Kirk?"  
 "A. Yes, sir; there were a few Republican tickets scratched in favor of Kirk and Schutze.  
 "Q. Who did you hear say that Polk Hill killed Bolton?"  
 "A. I could not tell you who I heard say so; I could not tell where it started from.  
 "Q. It was a general report?"  
 "A. I do not know about its being general, but I heard several parties say that he made that statement.

"By Mr. SPOONER:

"Q. They said that he had made that statement?"  
 "A. Yes, sir.  
 "By Mr. EUSTIS:  
 "Q. Do you remember any of their names?"  
 "A. No, sir; I do not. I do not remember taking note of their names.  
 "Q. Where did you go when you left that precinct, that house, or polling place?"  
 "A. I went down to my brother's, about 2 miles below, I guess.  
 "Q. Did you come back?"  
 "A. No, sir; I did not come back.  
 "Q. Did you come back the next morning?"  
 "A. No, sir; I went on out to where I was teaching school, and a young man named Flewellen came after me; he came on past there; it was not very far from there.  
 "Q. Where was the inquest held?"  
 "A. At the same place, in the same room.  
 "Q. Did you not testify there?"  
 "A. Yes, sir.  
 "Q. You were present there, then, if you testified?"  
 "A. Yes, sir; I was present there.

"By Mr. SPOONER:

"Q. Who was this man Bolton; did you know him?"  
 "A. Yes, sir.  
 "Q. Was his father a candidate on the People's ticket at that election for county commissioner?"  
 "A. Yes, sir.  
 "Q. Where was Bolton shot?"  
 "A. He was shot in that room.  
 "Q. Was he in disguise when he was shot?"  
 "A. Yes, sir.  
 "Q. In what sort of disguise?"  
 "A. I do not know that. When he came into the room I saw a handkerchief tied around his face.  
 "Q. As he lay dead?"  
 "A. No, sir; I mean when he first opened the door to come in.  
 "Q. Did you recognize him when he came into the room?"  
 "A. I think I knew who he was, but I was not positive.  
 "Q. He was one of the men who came in in disguise?"  
 "A. Yes, sir.  
 "Q. Was he armed, do you know?"  
 "A. Yes, sir; he had a pistol in his hand,

"By Mr. TELLER:

"Q. He had a handkerchief over his face and a water-proof coat on?"  
 "A. Yes, sir.  
 "Q. Was it a rainy night?"  
 "A. No, sir; it was not a rainy night.  
 "Q. Was the water-proof coat for the purpose of disguise; was that what it was put on for?"  
 "A. I do not know.

"By Mr. SPOONER:

"Q. What sort of a night was it?"  
 "A. It was a pleasant, moonlight night.  
 "Q. A warm night?"  
 "A. Yes, sir. I know we had no use for fires in the room, so that it must have been a warm night.

"TESTIMONY OF T. M. JONES (recalled).

"T. M. Jones (colored), having been recalled, was interrogated, as follows:

"By Mr. SPOONER:

"Q. I want to ask you a few additional questions. In connection with this election you recollect three men were hung?"  
 "A. Yes, sir.  
 "Q. Was your brother one of them?"  
 "A. Yes, sir.  
 "Q. Was he there this evening that you testified in relation to yesterday?"  
 "A. Yes, sir; he was there.  
 "Q. Where was he?"  
 "The WITNESS. When the shooting occurred?"  
 "Mr. SPOONER. Yes.  
 "A. I do not know, sir. He said he was on the outside one time, but he was not in the house at the time.  
 "Q. How long before had you seen him—I mean before these men came into the room?"  
 "A. I remember seeing them here about dark. He came there at that time,

"Q. What did he come there for?  
 "A. He came for the purpose of bringing me some supper, as I didn't have any dinner that day."  
 "Q. Was he armed at all?  
 "A. If he was I didn't know it. I told him to bring me my overcoat and some supper, and if he was armed I did not know it."  
 "Q. What he came there for was at your request to bring you your overcoat and some supper?  
 "A. Yes, sir.  
 "Q. How old was he?  
 "A. He was thirty years old.  
 "Q. How long had he lived there?  
 "A. He had been living there about ten years, I suppose.  
 "Q. What was his business?  
 "A. He was farming."  
 "Q. Did he own land there?  
 "A. Yes, sir.  
 "Q. Was he a man of family?  
 "A. No, sir.  
 "Q. What was he in politics?  
 "A. He was a Republican. He never took much stock in politics in any way more than just voting; but he voted the Republican ticket, I remember he said.  
 "Q. He was a Republican?  
 "A. Yes, sir.  
 "Q. When was he hanged?  
 "A. On the night of the 2d of December.  
 "Q. Just a month from this election?  
 "A. Yes, sir.  
 "Q. You said yesterday that Mr. Bolton, this man's father, was on two tickets, did you not?  
 "A. Yes, sir; I think I did.  
 "Q. Have you any explanation to make about that?  
 "A. Yes, sir. Yesterday I stated that he was, but since that time I have thought of it and think he was not on both tickets. There was a People's ticket and another diamond-shaped Republican ticket, and he was not on that ticket, I remember. But there was some tickets came in there in the afternoon; who printed them I do not know, and his name was on them.  
 "Q. It was a bogus ticket for the use of the darkies, wasn't it?  
 "A. I suppose so (pages 14-23).

"TESTIMONY OF LEWIS P. PENNINGTON.

"Lewis P. Pennington (colored), having been duly sworn, was interrogated as follows:

"By Mr. SPOONER:

"Q. Where do you live?  
 "A. In Washington County, Texas.  
 "Q. How old are you?  
 "A. I am twenty-seven years old.  
 "Q. How long have you lived in Texas?  
 "A. I was born there and raised there.  
 "Q. How long have you lived in Washington County?  
 "A. I was born in Washington County.  
 "Q. What part of Washington County do you live in now?  
 "A. I don't know the precinct. I think it is precinct No. 1; isn't it, Mr. Hackworth?  
 "Mr. HACKWORTH. It is precinct No. 3.  
 "Q. At what polling place do you vote?  
 "A. I vote at Flewellen's.  
 "Q. At what is called Flewellen's voting place?  
 "A. Yes, sir.  
 "Q. That is in justice's precinct No. 1. What is your business?  
 "A. I am farming.  
 "Q. Do you own land there?  
 "A. No, sir.  
 "Q. Are you a man of family?  
 "A. Yes, sir.  
 "Q. Have you a wife and children?  
 "A. Yes, sir.  
 "Q. What are you in politics?  
 "A. Well, I am a Republican.  
 "Q. You had a general election at your polling place last November?  
 "A. Yes, sir.  
 "Q. It was on the 2d of November?  
 "A. Yes, sir.  
 "Q. Were you there that day?  
 "A. Yes, sir; I was.  
 "Q. At the Flewellen polling place?  
 "A. Yes, sir.  
 "Q. Were you one of the officers of election?  
 "A. Yes, sir; I was.  
 "Q. Will you tell the committee what happened there that day? First, what office did you hold in connection with the election?  
 "A. I was judge of the election.  
 "Q. Presiding judge?  
 "A. I was one of the judges of election.  
 "Q. Now, tell the committee, if you please, in your own way what happened there that day.  
 "A. Well, during the day the election went on very quietly and up until about 11 o'clock in the night, when there was some men come in at the back door. They knocked at the door, and there was a man sitting there by the name of Polk Hill, and when they knocked he got up and walked out at the north door, and Mr. Robinson said to them when they knocked the second time, he said, 'Come in,' and they threw the door open and came right in, and three of them presented pistols right on us who was around the table, and says, 'Hands up,' and 'Give up that box.' Mr. Robinson jumped up said, 'Boys, don't do that, don't do that,' and about that time there was a gun fired. I had then got away from my seat to get out of the house, and just before I stepped to the door this man fell that got killed, Mr. Bolton; he fell right at my feet, and the pistol struck the floor within 6 or 8 inches of my foot, and it scared me, and I sort of jumped behind the door, and staid there for about three minutes, until the shooting was over, and then I walked out.  
 "Q. What were you doing when these men came there?  
 "A. I had the box of counted tickets, and I was looking for No. 288 ticket. There was a mistake made in the number of two tickets, and Mr. Robinson said to me, 'Lewis, look in that box there, the counted box, and see if you see the other 288 ticket there, and hand it to me from the box.' That was handed to me, and he told me to hold that and look for the other one, and as I was doing so these men came to the door.  
 "Q. Who was in the room when these men knocked?  
 "The WITNESS. Besides the officers?  
 "Mr. SPOONER. No. Name the officers who were there?  
 "A. Mr. Robinson, Mr. Calls, Mr. Wright, Mr. Rogers, and myself, and Tom Jones, and Felix Kinlaw, and Andy Hayes—

"Q. Name the officers first.  
 "A. Mr. Rogers was there; he was not an officer. The officers were Mr. Robinson, Mr. Calls, Mr. Wright, Tom Jones, and myself.  
 "Q. How many of you were colored?  
 "A. Two of us.  
 "Q. In addition to the officers, who were there?  
 "A. Shad Felder, Andy Hayes, and Felix Kinlaw. I believe that was all.  
 "Q. Colored men?  
 "A. Yes, sir; they were colored men.  
 "Q. Did you notice these men when they came in?  
 "A. I did not just as quick as they got in; I did not notice them; I was not thinking anything about it, and did not pay attention to them when they first came in.  
 "Q. But you saw them after they came in?  
 "A. Yes, sir; and before they shot.  
 "Q. Were they in disguise?  
 "A. They had on handkerchiefs over their faces so that a man could not see their faces, and white hats, and slickers on; large white hats and these slickers on.  
 "Q. What do you mean by 'slickers'?  
 "A. I mean overalls.  
 "Q. Did you recognize any of them?  
 "A. No, sir; I was not acquainted with any of the people in that settlement.  
 "Q. Was the man who was shot the man who demanded the ballot-box?  
 "A. I could not tell you which one demanded it. They came in abreast. They just threw the door open and every man just filed in.  
 "Q. You say they were armed?  
 "A. Yes, sir; they were armed. I saw three pistols.  
 "Q. What did they say; anything else except this demand that you surrender the ballot-box?  
 "A. That is the only word I heard used.  
 "Q. How long was that before the shooting was done?  
 "A. Right immediately.  
 "Q. How many votes were polled there that day?  
 "A. One hundred and fifty-nine.  
 "Q. Who had the most, the Republicans or the others?  
 "A. The Republicans were in the majority.  
 "Q. How much of a majority about; we do not expect you to give it to a vote, but about how much?  
 "A. It is just a guess; I can not identify it positively, but I think 85 to 90.  
 "Q. You mean 85 or 90 Republican majority?  
 "A. Yes, sir.  
 "Q. This precinct is what is called the 'Black belt' or 'Black district'?  
 "A. Yes, sir.  
 "Q. Do you know whether the votes cast at that polling place were counted at the county seat at that election?  
 "A. I do not.  
 "Q. Do you know what became of the box?  
 "A. No, sir.  
 "Q. Do you know now who those men were—either of them?  
 "The WITNESS. The men that came there?  
 "Mr. SPOONER. Yes; the men who came in to raid the ballot-box.  
 "A. The one that was killed was Dewees Bolton; that was the only one I knew.  
 "Q. You did not know any of the others?  
 "A. No, sir.  
 "Q. Was there any effort made there, that you ever heard of, to detect or discover who they were or to bring them to justice?  
 "A. No, sir.  
 "Q. What became of the colored men who were in there with you when these men came in?  
 "A. They ran out.  
 "Q. Where are they now?  
 "A. One of them is dead; he was hung.  
 "Q. Which was that?  
 "A. Shadrack Felder.  
 "Q. Who else was hung; there were three men hung, were they not?  
 "A. Yes; a fellow named Ephraim Jones and Alfred Jones.  
 "Q. Were they there that night?  
 "A. No, sir. Ephraim Jones was there, but Alfred Jones was not to my knowing.  
 "Q. When were they hung; about a month later, were they not?  
 "A. Yes, sir; on the 2d or 3d day of December.  
 "Q. Who was in the room before these men came in there; did any one come to the room?  
 "A. Yes, sir; Judge Kirk came in there.  
 "Q. How long before these men came into the room, these raiders, as I call them; was it before Judge Kirk came there?  
 "A. As near as I can get at it, it was half past 11 o'clock when he left there.  
 "Q. When who left there?  
 "A. Judge Kirk; and about 12 o'clock these men came in.  
 "Q. Then you think it was about half an hour after Judge Kirk left when these men came in?  
 "A. Yes; half to three-quarters of an hour.  
 "Q. Where does Judge Kirk live?  
 "A. At Brenham.  
 "Q. How far is Brenham from this Flewellen poll?  
 "A. It is said to be about 15 miles.  
 "Q. Had Judge Kirk been there about the polls during the day?  
 "A. Not that I know of.  
 "Q. You do not remember to have seen him, then, that day or evening until he came into the room?  
 "A. No, sir.  
 "Q. What did he want there?  
 "A. He just came in and asked the boys how they were getting on and how they were running, and taken a look over on the list on the tally-sheet, and mentioned something about some one being—he called the names of some and how they were running, but I never paid much attention to it and I do not recollect them exactly. But I noticed that he looked on the tally-sheet and said something about Charlie Herbst and Jim Hewitt; that Herbst had 18 and Hewitt 44, or something like that; I do not recollect it.  
 "Q. Who was Hewitt, the colored Republican?  
 "A. Yes, sir.  
 "Q. Who was the other man, Herbst?  
 "A. He was a Democrat.  
 "Q. You heard Judge Kirk when he looked over the list speak those names and state the number of votes that each had received?  
 "A. Yes, sir.  
 "Q. As it appeared then on the list?  
 "A. Yes, sir.  
 "Q. You had not finished your count then?  
 "A. No, sir.  
 "Q. You had been counting very slowly during the evening?  
 "A. Yes, sir; we counted very slowly. We counted some few Republican tickets first, and they were so straight that Mr. Robinson said, 'We will count



those tickets that are mixed up, scratched up, first, and when we get through with them we will go along with the Republican tickets."

"Q. Did any one go out of the room with Judge Kirk?  
 "A. Yes, sir; Mr. Robinson did.  
 "Q. How did he happen to go out with him?  
 "A. The judge told him he wanted to see him a minute.  
 "Q. Judge Kirk told Mr. Robinson that he wanted to see him a minute?  
 "A. Yes, sir.  
 "Q. Was that before or after he had examined the poll-list?  
 "A. I do not recollect; I think it was afterwards.  
 "Q. Robinson was the presiding judge, was he?  
 "A. Yes, sir.  
 "Q. What were his politics?  
 "A. He said that he did not have time to go out, that he was busy there and could not leave, and he said 'Appoint Rogers.'  
 "Q. Judge Kirk said that?  
 "A. Yes, sir.  
 "Q. That is, to keep that place while he was gone?  
 "A. Yes, sir.  
 "Q. So that after having appointed Rogers, in obedience to Judge Kirk's advice, he went out, did he?  
 "A. Yes, sir; but he did not appoint Rogers.  
 "Q. Who did he appoint—anybody?  
 "A. No, sir.  
 "Q. But he went out?  
 "A. Yes, sir.  
 "Q. How long was he gone?  
 "A. Not more than three minutes.  
 "Q. Did he have conversation in that room with any other officer of the election?  
 "A. Not that I know of.  
 "Q. Did he with Mr. Rogers?  
 "A. He went to the bed where Mr. Rogers was lying down; but I did not notice them.  
 "Q. Did he hold a whispered conversation with Mr. Rogers.  
 "A. If he did I did not see him.  
 "Q. You do not know that?  
 "A. No, sir.  
 "Q. Was Mr. Rogers an officer of the election at the polls?  
 "A. I did not exactly understand it. He was the man who had appointed me as one of the judges, but after that Robinson taken possession, and I do not know who really the head man was.  
 "Q. Was Rogers either a judge or clerk, or was he connected with the election as an officer at all?  
 "A. No, sir. I think the box was signed in Rogers's name, but after it got out there he got Robinson to take his place.  
 "Q. How long after this conversation outside between Robinson and Judge Kirk was it before these gentlemen in masks made their appearance?  
 "A. It was between half and three-quarters of an hour.  
 "Q. Have you stated all that happened that you recollect after they came in and before they left?  
 "A. Yes, sir; that is all I can recollect.

"By Mr. EUSTIS:

"Q. I will read you the statement that you made at the coroner's inquest, which was also made under oath, and I will ask you whether it is true or not. [Reading.] 'Testimony of Lewis Pennington, duly sworn. I was one of the judges of election held on the 2d day of November, 1886. The election was going on quietly and orderly. I was busy counting votes when somebody knocked on the door. At the same time Polk Hill got up from his seat and ran to the door. I do not know who did the shooting which took place about 11 o'clock p. m. Outside of the officers of election there were present in the room Chad Felder, Andy Hayes, Felix Kinlaw. And Polk Hill went out of the door.' And upon re-examination you made the following statement: 'Statement of Lewis Pennington, being re-examined. I did not see anybody coming in the door disguised with a pistol in hand. I was sitting close to the fireplace, in plain view of two doors.' Is that statement correct?  
 "A. No, sir; that is not correct.  
 "Q. Say in what respect it is not correct.  
 "A. Well, there was double-barreled shotguns and six-shooters around there until I was naturally afraid to tell the truth.

"By Mr. SPOONER:

"Q. You mean at the inquest?  
 "A. Yes, sir; at the inquest.  
 "Q. You say that in your testimony at the inquest you did not state that these men were in disguise, and all the facts about it, because you were afraid?  
 "A. Yes, sir.  
 "Q. Was there great excitement there?  
 "A. Yes, sir; I should think there was.  
 "Q. A good deal of talk about a nigger insurrection and a race war?  
 "A. I could not state anything about that. There were too many guns and six-shooters there for me.  
 "Q. At the inquest?  
 "A. Yes, sir (pages 31-33).

"By Mr. EUSTIS:

"Q. Was Polk Hill in the room at the time that knocking took place?  
 "A. Yes, sir. When they first knocked Polk Hill walked out.  
 "Q. He was there when they first knocked?  
 "A. Yes, sir; he was in the house when the first knock was made.  
 "Q. Was he not armed?  
 "A. If he was it is more than I know. I was not allowed out of the house and did not go out of the house.  
 "Q. Did you see Shad Felder there?  
 "A. Yes, sir.  
 "Q. Was he armed?  
 "A. No, sir; not that I know of.  
 "Q. Andy Hayes, was he armed?  
 "A. He came there that morning.  
 "Q. I speak of the night, at the time of this disturbance.  
 "A. No, sir; not that I know of.  
 "Q. Felix Kinlaw, was he armed?  
 "A. No, sir; not that I know of.  
 "Q. Were these four men whose names I have mentioned here all colored men?  
 "A. Yes, sir; they were colored men."  
 Felix Kinlaw, one of the colored men present in the room, testified as follows:  
 "Q. Were you in the room where they were counting votes?  
 "A. I was; yes, sir.

"Q. How long were you in the room?  
 "A. I was there pretty much plumb till I had to get out.  
 "Q. Did you go in when they commenced counting?  
 "A. Yes, sir.  
 "Q. And staid until you had to come out?  
 "A. Well, I runned out when I did come.  
 "Q. Tell us about it.  
 "A. Well, there was some men came in the back door and one flings down a pistol and said, 'Hands up,' and when they said 'Hands up' I flew.  
 "Q. How many men were there?  
 "A. As near as I can recollect there was about four.  
 "Q. How were they dressed?  
 "A. They had on these yellow slickers, all buttoned up.  
 "Q. Do you mean oil-cloth coats?  
 "A. Yes, sir; all buttoned up, and handkerchiefs across here [indicating his face] and hats pulled down over their faces.  
 "Q. What sort of hats did they have on?  
 "A. Two of them in front had sort of white hats on.  
 "Q. Did you say that they had pistols?  
 "A. Yes, sir; they did.  
 "Q. You did not stay long?  
 "A. No, sir; I moved from there.  
 "Q. Did you know who they were?  
 "A. No, sir; when they came in I did not know.  
 "Q. Who was there with you?  
 "The WITNESS. In the room?  
 "Mr. SPOONER. Yes, I mean besides the officers of election.  
 "A. Andy Hayes was in the room and Shad Felder was in the room outside of the office, and Polk Hill.  
 "Q. Shad Felder was there, was he?  
 "A. Yes, sir.  
 "Q. Were you armed?  
 "A. No, sir; I did not have any arms at all.  
 "Q. Was Shad armed?  
 "A. No, sir; not that I know of.  
 "Q. You saw no arms?  
 "A. No, sir" (page 39).  
 Kinlaw's testimony is corroborated by that of Andy Hayes.  
 "Q. What happened there? Just tell the committee what you saw there during the evening.  
 "A. At night? Well, I saw a man get shot.  
 "Q. Did somebody come in there while the vote was being counted?  
 "A. Yes, sir.  
 "Q. How many men?  
 "A. I reckon about four, as near as I can tell.  
 "Q. How were they dressed?  
 "A. Well, they had on slickers.  
 "Q. Do you mean these long yellow oil-cloth coats?  
 "A. Yes, sir.  
 "Q. What sort of hats did they have on?  
 "A. The hats I don't remember about; they were white, I think.  
 "Q. Did they have anything to cover their faces?  
 "A. Yes, sir.  
 "Q. What?  
 "A. White handkerchiefs.  
 "Q. So that you could not tell who they were?  
 "A. No, sir.  
 "Q. Had they any weapons or any arms?  
 "A. Yes, sir.  
 "Q. You saw them, did you?  
 "A. Yes, sir.  
 "Q. What did they have in the way of arms?  
 "A. They had pistols.  
 "Q. What did they say when they came in?  
 "A. They came in and presented pistols and hollowed 'hands up.'  
 "Q. What else?  
 "A. They didn't say anything else. The firing was done then. They just came in and at that time one of them was shot.  
 "Q. Then what?  
 "A. Well, we all ran.  
 "Q. Did one of these men fall?  
 "A. Yes, sir (page 47).  
 "Q. When did you go back there in the room; did you go back there that night?  
 "A. Yes, sir.  
 "Q. How did you happen to go back there?  
 "A. They arrested me that morning. I didn't go more than two or three hundred yards from the house. I feared I might get shot, and I went to another house near by and went to sleep, and they came, two or three hours before day, and arrested me and carried me back there.  
 "Q. This man was lying there dead?  
 "A. Yes, sir.  
 "Q. How long were you kept there in arrest?  
 "A. I was kept there until about 6 o'clock in the evening, I reckon.  
 "Q. How did the man look when you went in there; was he lying on the floor?  
 "A. Yes, sir.  
 "Q. How was his face?  
 "A. When I first went there his face was still covered up" (p. 48).  
 F. D. Jodon, esq., an Independent or Prohibitionist in politics, who acted as counsel for the eight colored men who were imprisoned without trial after the homicide at Flewellyn's, testified as follows as to his conversation with the three colored men who were hung:  
 "By Mr. SPOONER:  
 "Q. Who was it who was hung?  
 "A. Shad Felder, Alfred Jones, and Stewart Jones.  
 "Q. Which of them was an old man?  
 "A. Alf Jones was between sixty-five and seventy years of age, I think.  
 "Q. Was he a man of family?  
 "A. I do not know. He told me he had a bed-ridden wife.  
 "Q. Was he a reputable man?  
 "A. The colored people all said that he was a church member and a good man. I did not know him until I investigated this case.  
 "Q. Had he committed any offense that you know of against the law?  
 "A. I never heard of any; no, sir.  
 "Q. Had he anything to do with the shooting of Bolton?  
 "A. I never heard him charged with it; he was not there.  
 "Q. Was he present at the shooting?  
 "A. He told me not.  
 "Q. Did he tell you where he was at the time of the shooting?  
 "A. Yes, sir.  
 "Q. Where?

"A. He said he was at home; that it was between 11 and 12 o'clock when he heard the shooting. He was a short distance, about 100 or 150 yards, from the place of shooting.

"By Mr. EVARTS:

"Q. That is, his house was that distance from the place of shooting?  
 "A. Yes, sir; where he lived, on the Flewellen plantation, was about 100 or 150 yards from the counting place. He said his wife was sick and he had to sit up with her, and he was lying down on the bed with his clothes on and his shoes off, and he heard a shot and went out on his gallery and said there a few minutes and heard nothing more—on his little porch to his cabin I presume, I never have seen it. He said after listening a little while he went back into his house and laid down on the bed, but did not go to sleep. Within fifteen or twenty minutes his dogs began to bark loudly, and he went out on the porch, and found Dick Robinson, the presiding judge of the election. He got up and called the dogs off, and Mr. Robinson jumped up and ran into his house bare-headed and sat down in a chair. Mr. Robinson said, 'Uncle Alf, there has been a man shot down in there and I want you to go to Chapel Hill and telephone the sheriff about it.' He told him his wife was sick and he could not go. Judge Robinson asked him if he could get anybody else to go. He said that perhaps his son, Oliver Jones, would go. He went off, Uncle Alf said Robinson did, and in about two hours he came back to Uncle Alf's place and asked him if he would go down to the polling place; that there was a dead man down there and he did not like to go down alone. Uncle Alf said that he would do so. He went down there with Judge Robinson, and they found both the front and rear doors of the house open, with a lamp sitting on the table, and a bright light in the room. They went in on the back gallery and found Bolton lying across the door.

"By Mr. SPOONER:

"Q. What do you say about a gallery?  
 "A. The Flewellen dwelling-place had a gallery. That is where the counting place was. There was a little porch in front covering the one door that entered the room. The front door and back door were both wide open. They went in and found Bolton lying across the door with his feet out near the hinges of the door, and his head in the other direction, with his hat off. They stepped across Bolton's body and they went through, Judge Robinson in advance—

"Mr. EUSTIS. Whose recital is this?  
 "Mr. SPOONER. It is a recital of Alf Jones, the man who was hanged, as made to the witness.

"The WITNESS. Yes; he made the statement to me.  
 "Mr. SPOONER. As his counsel?  
 "The WITNESS. Yes, sir. As they went out of the gallery they heard a number of men at the front gate, which is about thirty steps distant. They did not know who it was, and they all went back into the room, and Judge Robinson stopped at the table. Robinson seemed to be scared, and did not know who it was coming in at the time. Uncle Alf said that he, instead of passing and going out back, just backed out over the dead man. He said he did not know who they were, and he wanted to face in that direction to see who they were. He stepped back out on the gallery and leaned up against the jam of the door, and stooped down and looked at the man. He said that he had a handkerchief or cloth of some description, he could not tell which, it was very bloody, tied across his nose; that he was lying upon his right side and back partly, with his left leg drawn up a little and the right one straightened out, and with a pistol at one of his feet; he could not remember which foot. He had a slicker on, one of those yellow rain-coats—

"Mr. EUSTIS. I would suggest that inasmuch as we have eye-witnesses to this whole transaction, there is hardly any necessity for this minute description.

"Mr. SPOONER. If it is not to be denied that this man was in disguise, perhaps not.

"Mr. EUSTIS. When you have already had direct testimony about the whole transaction.

"Mr. EVARTS. This testimony not only shows these facts, but it shows that this man was not at the polls and had nothing to do with the shooting.

"Mr. EUSTIS. I understand that, if the witness confines himself to that portion of it.

"The WITNESS. He told me he had not been at the polls after 4 o'clock until that time.

"Mr. EVARTS. We are not going into the killing, but the way he found Bolton lying is important.

"Mr. EUSTIS. This witness did not find him.

"Mr. EVARTS. But this colored man told this witness that he found, at the request of the presiding judge, this dead body, and he described to the witness, who was his counsel, how he found that dead body, in what condition he found it, and that we wish to prove.

"By Mr. SPOONER:

"Q. You may proceed with your statement.  
 "A. He stooped down and looked at him. He had his handkerchief over his face, which was bloody, and he could not tell whether it was a handkerchief or a cloth. I asked him if his slicker was buttoned up, and he said he could not tell whether it was buttoned or unbuttoned, he was so excited. His hat was off, and he was lying with his face partly turned up, and he could see that his right eye had been shot out. He said just about that time the men from the gate came in, Tom Evans in advance. Evans took the lamp off the table and went and sat it down by the man's head and said, 'Boys, this is Dewees Bolton.' Uncle Alf said he had not known who it was before; that he could not tell who it was. He then went home, he said, and the next day he was arrested in the field where he was at work.

"Q. Did he testify at the coroner's inquest?  
 "A. I understand so. The papers containing the proceedings are here.

"Judge KIRK. Yes; he testified there.

"The WITNESS. Uncle Alf said that at the jury of inquest Mr. Vernon, who held it, told him that there was nothing against him, and he could go, and Steve Jackson also, and that somebody in the crowd said, 'No, put them with the rest of them.'

"Q. Is that all you care to say about Alfred Jones?  
 "A. Yes, sir; I believe I have stated all the material points.

"Q. What about the other parties?  
 "A. Well, Shad Felder told me—

"Q. He was the man who owned the property there?  
 "A. Yes, sir; he owned a farm. He was hung also. He said that he had been there all day at the polls, and at night they were counting the ballots and he was sitting on a bench looking on at the count, with Handy Hayes and Felix Kinlaw. He said about 10 or 11 o'clock Judge Kirk came into the room and spoke to them—to the white officers, I believe—and asked them how things were going there, and they made some reply; I forget what he said it was. Then they asked Judge Kirk, 'Where are you from, judge; are you from Brenham?' and he said, 'No, I am not; I am from Graball.' They asked him how things were going at Graball, and he said everything was going straight. He then went to Mr. Alfred Rogers, who was lying on a bed in the corner—

"Q. Is he a white man?  
 "A. Yes, sir.

"Q. And a Democrat?

"A. I can not tell you that. He lived on the Flewellen place. I do not know him, and never saw him.

"Q. He was not an officer of the election?

"A. No, sir; he was lying on the bed, and Judge Kirk talked to him a little while in a low tone of voice. Then they came back to the table, and he took him out in the yard and talked to him awhile.

"Q. He took who out?

"A. Judge Kirk took Dick Robinson, the presiding judge, out. Robinson then came back, and in about half an hour afterwards he said somebody knocked on the back door. The back door was shut and the front door was open. He said that when the man knocked on the back door, Polk Hill, who was sitting on the end of the bench nearest to the front door, got up and went out on the porch. Somebody had said, 'Come in,' to the first knock, and there was no reply to it. At the second knock somebody told them to come in, and the door was pushed open with considerable force, and standing in the doorway were three men with these yellow slickers or rain-coats on, and behind them on the gallery were two more men, the three in front presenting pistols, and one behind presenting a pistol over their heads, and they said something. I do not think he told me what it was. Shad said he was badly scared, and rolled off the bench and crawled under the bed with Handy Hayes and Felix Kinlaw; they crawled under the bed. I asked him how many shots he heard fired, and he said he was so badly scared that he did not remember any shots. The other one, Felix Kinlaw, said, I think, that he heard one shot fired, and they all ran out of the room—no, the others went out of the back door, and after it was over these two were under the bed. Rogers got up in the bed, and said to the men in front, 'Don't shoot in here, boys.' After they went out they came from under the bed and went out also. Rogers, they said, had been a little under the influence of liquor.

"Q. He denied any participation in the affair?

"A. Yes, sir; they both said they had nothing in the world to do with it.

"Q. What about Stewart Jones?

"A. He told me that he came down there to bring his brother, Tom Jones, his supper.

"Q. Tom was one of the election officers?

"A. Yes, sir. He said he came down there to bring his brother his supper and his overcoat. It was a pleasant, mild night, Stewart said, and he was lying out in the front yard asleep with John Glass when the shot was fired, and that waked him up and he ran off.

"By Mr. EVARTS:

"Q. Those were the three men who were hanged?

"A. Yes, sir (pages 177-180)."

Kirk shows his presence at Flewellen, and his whispered conference with Robinson, the Democratic judge of election.

"Q. You went from Chapel Hill to Flewellen?

"A. Yes, sir; I did.

"Q. What time did you get to Flewellen?

"A. I think about half past 10 o'clock.

"Q. How far was Graball from Chapel Hill?

"A. I suppose about 12 or 14 miles.

"Q. How did it lie with reference to Flewellen?

"A. Flewellen voting place was about half way distant between Chapel Hill and Brenham.

"Q. What did you do at Flewellen?

"A. I went into where they were canvassing the vote and looked at the tally-list and made some inquiries there about the vote, what the opinion of the officers was as to what would be the result there (page 250).

"Q. Did you leave Flewellen before the box was raided?

"A. I did; I only remained there a short time and came direct to Brenham.

"Q. What did you call one of the officers out for; was it at Flewellen that you called the presiding judge out and had a talk with him?

"A. I did not take him out of the room.

"Q. But you called him to one side and had a whispered conversation with him?

"A. Yes, sir.

"Q. What were you talking about?

"A. I asked him what he thought the colored people had voted that day; what he thought would be the result, if he could form any idea from the way the ballots were deposited.

"Q. What did he tell you?

"A. Well, he said that the Republicans had a majority there.

"Q. How large a majority?

"A. He said he thought there had been a good deal of scratching there by the colored people, but they would give a considerable majority; he said he thought they had done a good deal of scratching there that day, but they would give a majority for the Republican ticket; that was his best impression about it, being one of the judges and seeing the ballots deposited" (page 254).

Several extracts are given from the testimony of Democrats as to the disguise of Bolton.

Lafayette Kirk testifies (page 266):

"Q. Did you ever hear it disputed that he had on a rubber coat, and an oil-cloth coat?

"A. I never heard it disputed that he had on one of those yellow rain-coats, commonly known as 'slickers' in our section.

"Q. And you knew it was not a rainy night?

"A. Those coats were generally universally worn by the people in the country.

"Q. Was it a rainy night?

"A. It was not a very rainy night.

"Q. No, it was not raining at all.

"A. It was not raining, but it was a right cool night."

William Cause, a clerk of the election at Flewellen, testifies (page 304):

"Q. Do you know whether he was masked?

"A. I do not; I didn't see any mask. He had on one of those water-proof coats.

"Q. Did you see his face?

"A. I do not remember seeing his face that night at all. I didn't pay any attention to it. We were so badly scared that we were for getting out of the room as quick as we could. I was expecting to get a shot every moment after I saw that muzzle of the gun stuck in the door. I never paid any attention to anybody and never went back there until the next morning.

"Q. When did you go back there?

"A. I went back there, I reckon, about 8 or 9 o'clock the next morning; about 8.

"Q. Did you see the body of the dead man?

"A. Yes, sir.

"Q. Did he have any mask or disguise on his face?

"A. No, sir. I think there was a handkerchief just laid over his face, and he



still had on a water-proof coat. The handkerchief was bloody and there was a very large pool of blood lying under him."

R. P. L. Wright, another Democratic officer of election, testified as follows in the trial of Kirk and others (see pages 756-757):

"Q. What sort of a night was that; was it rainy?  
 "A. No, sir.  
 "Q. Was it a cold night?  
 "A. It was not cold, it was not warm—it was cool.  
 "Q. Did you have a fire?  
 "A. No, sir.  
 "Q. You left after the shooting?  
 "A. Yes, sir.  
 "Q. When did you come back?  
 "A. I came up to the gate and as there was no one there I went away.  
 "Q. When did you come back?  
 "A. About sun-up.  
 "Q. Was anybody there?  
 "A. Yes, sir.  
 "Q. Did you see Bolton there?  
 "A. Yes, sir; he was lying on the floor near the door with a handkerchief over his face.  
 "Q. Who spread the handkerchief over his face?  
 "A. I don't know; it was a handkerchief or a towel.  
 "Q. Was it bloody and torn?  
 "A. I don't know.  
 "Q. Did you notice whether it was knotted around his neck?  
 "A. I don't know.  
 "Q. Did you look up before the shot was fired?  
 "A. No, sir.  
 "Q. When you looked up the man had already been shot?  
 "A. Yes, sir.  
 "Q. Who did you see then?  
 "A. I saw a man there. He had a gun. I went out pretty lively at the same door Bolton was shot.  
 "Q. Did he have a slicker on?  
 "A. Yes, sir; buttoned up at the throat."

D. D. Bolton, the father of the dead man, testified as below in the same trial (see page 766):

"Q. Was he disguised in any way at all?  
 "A. No, sir.  
 "Q. Was there anything over his face?  
 "A. Robinson had spread a handkerchief over his face.  
 "Q. Was there one tied around his neck?  
 "A. There was.  
 "Q. Was that an unusual thing?  
 "A. He was in the habit of wearing it."

Kirk, when testifying before the committee, attempted to evade the inquiry as to the telegram which he sent D. D. Bolton on the election day. His testimony at that time was as follows (see pages 251, 252):

"Q. Did you send any telegrams on election day?  
 "A. I had one telegram sent, I believe, to a man at the Graball box.  
 "Q. Did you send any telegrams on election day?  
 "The WITNESS. Did I send any?  
 "Mr. SPOONER. Yes; did you send any?  
 "A. I did send one, and then sent another or had it sent.  
 "Q. Why didn't you answer that way when you first answered my question instead of saying that you had one sent? You know how many you sent on that day?  
 "A. I had two sent. I sent one myself and had one sent.  
 "Q. Why didn't you say so then?  
 "A. I did say so.  
 "Q. After awhile. How many telegrams did you send off on election day?  
 "A. The two I refer to that related to the election.  
 "Q. Who were they sent to?  
 "A. I sent one near about 12 o'clock on election day to D. D. Bolton. I told him I could not tell much about that time as to how the vote was going.  
 "Q. Give me the language of your telegram?  
 "A. As I best recollect, I told him things were mixed; that it was mixed there in the town of Brenham, and that the result was doubtful.  
 "Q. What else did you say?  
 "A. That is all I said; I think so.  
 "Q. Don't you know that that is not all you said?  
 "A. No, sir; I do not know that is not all I said.  
 "Q. Then you have nothing but an opinion on the subject? I wish you would take the time to remember what you said in that telegram.  
 "A. The idea I intended to convey to Mr. Bolton was—  
 "Q. No; I want your words, and we will try and get at the idea.  
 "A. My best recollection is that I said things were mixed.  
 "Q. What else?  
 "A. That is all.  
 "Q. Do you swear that is all?  
 "A. That is my best recollection on the subject.  
 "Q. Do you swear that is all?  
 "A. I do not know. If I said anything else, I do not remember. I will swear to my best recollection that that was the contents of the telegram.  
 "Q. Didn't you say something like this; didn't you send a telegram to Mr. Bolton in which you said 'things look gloomy,' or 'look bad; do your work?'  
 "A. I said things were doubtful. That was the idea to be conveyed.  
 "Q. Answer the question. Didn't you telegraph to Mr. Bolton on election day that 'things look gloomy,' or 'look bad; do your work?'  
 "A. I do not recollect any such expression as that in the telegram.  
 "Q. That is not an answer to my question. You will be pretty likely to recollect in view of what happened afterwards?  
 "A. I think so.  
 "Q. Did you or not send to Dewees Bolton on election day a telegram?  
 "A. I didn't send a telegram to Dewees Bolton at all; it was to D. D. Bolton.  
 "Q. Did you send a telegram to him?  
 "A. Yes, sir.  
 "Q. In which you said things looked gloomy or bad; do your work?  
 "A. I think part of the contents of the telegram was that things were mixed; that things were doubtful. That is my best recollection of the telegram.  
 "Q. What else?  
 "A. That is all I remember, and I think that is all there was in the telegram.  
 "Q. Did you or not send a telegram to Mr. Bolton saying things looked gloomy or looked bad or looked mixed (I don't care which); do your work?  
 "A. I do not think I had any such expression as 'do your work' in the telegram. I just stated that things looked doubtful or mixed.  
 "Q. May you have sent such a telegram?  
 "A. I do not think I did."

"Q. Is it a mere matter of opinion with you?  
 "A. I am satisfied I did not.  
 "Q. Are you willing to swear that you did not?  
 "A. I do not undertake to say exactly what the contents of the telegram were.  
 "Q. I want you to swear, if you can, whether you sent a telegram to Mr. Bolton on that day which was substantially like this: 'Things look gloomy,' or 'things look bad,' or 'things look mixed; do your work.'  
 "A. I do not recollect sending any such telegram, and to the best of my recollection I never did send any such telegram.  
 "Q. Do you recollect that you did not send any such telegram?  
 "A. I do not think I did.  
 "Q. Will you swear that you did not?  
 "A. I gave you my best recollection as to the contents of the telegram.  
 "Q. Will you swear that you did not send such a telegram?  
 "A. I will not swear to anything on the subject except as to what my best recollection of the telegram was.  
 "Q. Are you positive that you did not send to Mr. Bolton on election day a telegram in which you said, 'things look bad,' or 'things look gloomy,' or 'things look mixed' (you may take your choice of those words); 'do your work?'  
 "A. I will give you my best recollection as to what the contents of it were, and I have done that.  
 "Q. I want an answer to my question, if I can get it. Are you positive that you did not send to Mr. Bolton on election day a telegram of that purport, 'things look gloomy,' or 'things look bad,' or 'things look mixed; do your work?' Are you positive you did not send such a telegram?  
 "A. I am not positive that I did not send such a telegram, but my best recollection is that the contents of the telegram were that things were doubtful or mixed.  
 "Q. Where was that telegram sent to?  
 "A. To Courtney, which was the nearest telegraph office to Graball.  
 "Q. Who was Mr. Bolton?  
 "A. He was a candidate for county commissioner down there.  
 "Q. Was he a Democrat?  
 "A. Yes, sir.  
 "Q. He was the father of the young man who was killed that evening?  
 "A. Yes, sir; he was his father.  
 "Q. When had you seen him last before election day?  
 "A. On Monday before.  
 "Q. The election was on Tuesday?  
 "A. I think I had seen him Saturday before.  
 "Q. The election was on Tuesday?  
 "A. Yes, sir; it was on Tuesday."  
 Later in the investigation, however, the telegram itself was produced, and a copy is given below, together with the testimony of the telegraph operator identifying it. (See pages 645 and 657.) The following is the telegram referred to:

"NOVEMBER 2, 1886.

"To D. D. BOLTON,  
 "Courtney:

"Things here look doubtful. Do your work.

"L. KIRK."

James E. Slater, having been duly sworn, was interrogated as follows:

"By Senator SPOONER:

"Q. You have been examined before in this investigation, have you not?  
 "A. Yes, sir.  
 "Q. You reside at Brenham?  
 "A. Yes, sir.  
 "Q. You are telegraph operator at Brenham?  
 "A. Yes, sir; at Brenham, Tex.  
 "Q. How long have you been operator at that place?  
 "A. The last time since 1880, but I was in the office before.  
 "Q. Were you in charge of the office there in 1886?  
 "A. Yes, sir.  
 "Q. Have you ever seen this before [showing a telegram to the witness]?  
 "A. I of course have seen it, because the words 'seven, paid' are in my handwriting, and 'filed 12 m.' is in my handwriting, and the time of the message sent to Houston is my handwriting.  
 "Q. What time was it sent to Houston?  
 "A. It was sent to Houston at 12.50 p. m., it says here.  
 "Q. That was received by you to be transmitted at 12 m. on November 2, 1886?  
 "A. Yes, sir.  
 "Q. And was transmitted by you?  
 "A. Yes, sir; there is the evidence of it.  
 "Q. It was transmitted at 12.50 p. m.?  
 "A. This is the evidence of it.  
 "Q. That is the memorandum made by you at the time?  
 "A. Yes, sir; at the time. Whenever we send a message we mark the messages as we send them. When we receive a message we put in here [indicating] when they were filed. It was received at 12 o'clock to send to Houston.  
 "Q. This is the original of the message which was handed to you for transmission?  
 "A. Yes, sir.  
 "Q. And you sent it to Courtney by way of Houston?  
 "A. Yes, sir."

#### THE DIAMOND TICKETS.

The Republicans, in order to protect the colored voters from imposition and fraud practiced upon their ignorance and simplicity, had printed tickets in a particular arrangement of the imprint, called "diamond tickets." Some question had been raised as to the validity of these tickets under the election laws of Texas, but the supreme court of Texas a year before this election had pronounced them valid. This decision was found in the reported volume of the court's decisions. These volumes were distributed by law among the county judges and one of them was in the hands of Kirk, the county judge.

Yet at several polling places the diamond tickets were discarded and were not returned as valid to be canvassed by the returning boards.

"G. A. Mayo (colored), having been duly sworn, was interrogated as follows:

"Q. What are you in politics, a Republican?  
 "A. A Republican; yes, sir.  
 "Q. At what polling precinct do you vote?  
 "A. Independence.  
 "Q. How long have you voted in that precinct?  
 "A. Ever since I have been there. I went there in 1869. The whole county voted at Brenham when I first went there, but I have voted there ever since.  
 "Q. Were you present at the election at that polling place on the 2d of November last?  
 "A. Yes, sir."

"Q. Do you know how many votes were cast there?  
 "A. Yes, sir; I think I do.  
 "Q. How many?  
 "A. Three hundred and twenty-nine.  
 "Q. Do you know which party was in the majority?  
 "A. The Republican party.  
 "Q. How much was the Republican majority?  
 "A. About 45 on the whole, I believe.  
 "Q. Did you have any official connection with the election at that poll?  
 "A. I was called in to be an inspector.  
 "Q. You were one of the inspectors of the election?  
 "A. Yes, sir.  
 "Q. Engaged in discharging that duty all day at the polls?  
 "A. Yes, sir.  
 "Q. Were you present at the count?  
 "A. Yes, sir.  
 "Q. There were two tickets at that election, were there, the People's ticket and the Republican ticket?  
 "A. There was a People's ticket, a Republican ticket, and a good many more little mixed tickets with names on them.  
 "Q. Split tickets, as they are called?  
 "A. Yes, sir.  
 "Q. But the main tickets were the Republican and the People's ticket?  
 "A. Yes, sir.  
 "Q. The People's ticket was the ticket voted generally by the Democrats?  
 "A. Yes, sir; that contained all the Democratic candidates.  
 "Q. When I speak of the Republican ticket I mean the straight Republican ticket.  
 "A. Yes, sir; that was a diamond-shaped ticket.  
 "Q. They had printed on them the names of the Republican candidates?  
 "A. Yes, sir; in full.  
 "Q. And the office for which each was a candidate?  
 "A. Yes, sir.  
 "Q. Were those tickets counted?  
 "A. No, sir.  
 "Q. Who were the officers of that election at that polling place?  
 "A. Mr. George Seward was one.  
 "Q. Is he a Democrat and a white man?  
 "A. Yes, sir.  
 "Q. He was presiding judge?  
 "A. Yes, sir.  
 "Q. Who else?  
 "A. A colored man named Mose Bird and another white gentleman named Rouse; I forgot his other name.  
 "Q. Who else?  
 "A. Just those three.  
 "Q. They had two clerks, did they not?  
 "A. Yes, sir.  
 "Q. Who were they?  
 "A. The other Mr. Seward and a gentleman named Burt.  
 "Q. Were they white or colored men?  
 "A. They are both white men and Democrats.  
 "Q. Then there were but two colored Republicans on the board?  
 "A. Only one; I was called in as an inspector.  
 "Q. What happened there about the counting of those tickets?  
 "A. When they commenced to count, the first Mr. Seward, he wanted to put the box in a glass case and retire to supper, and I told the colored man to object, that there was no law for him to carry the box away until the tickets were counted, and Mr. Seward said he would see about it, and he went and got the law and read it and said, 'All right, I will proceed to count.' In about an hour or such a matter he began to count, and counted up until he reached about ten Republican tickets.  
 "Q. That is these diamond-shaped tickets?  
 "A. Yes, sir; and when he got up to that number—  
 "Q. He counted ten and they were tallied?  
 "A. Yes, sir.  
 "Q. Had they separated the People's ticket and counted them?  
 "A. No, sir; they counted in full. We hadn't counted any more than two or three Democratic tickets when Mr. Seward, the presiding officer, said—like I am at the end of the bench and Captain Clay there [indicating]—  
 "Q. Who is Captain Clay?  
 "A. A Democrat who owned a great deal of real estate there. He voted at another box, but he was present at that time.  
 "Q. He did not vote at that polling place?  
 "A. No, sir; not at all. He just stood there, and he said something I did not understand. I was sitting about like this gentleman over there [indicating], and Mr. Seward said, 'I was thinking that myself, and I will reject them, and I will not count those tickets any further; they are not legal; I will just rule them out.'  
 "Q. Who said that?  
 "A. The judge—the presiding officer.  
 "Q. This Captain Clay said something to him you did not understand, and this presiding judge said, 'I was thinking so myself?'  
 "A. Yes, sir.  
 "Q. And he said, 'I will make the objection,' didn't he?  
 "A. He said, 'I object to those tickets being counted any further; I will rule them out.' Then everything was silent for ten or fifteen minutes, and a good many gentlemen around there—white men, Democrats—didn't like it somehow or another; some good citizens, and Mr. Williams was there.  
 "Q. You say several white Democrats objected to their being ruled out?  
 "A. Yes, sir; they spoke agin it.  
 "Q. Including this Mr. Williams?  
 "A. Yes, sir. After ten or fifteen minutes Mr. Seward said, 'I will see about that,' and they said 'Telephone to Brenham,' and he right away went over to the telephone office, and he came back, and in a very high tone he says, 'It is just like I said; they are flinging them out all over the county,' and he spoke of a little precinct above Brenham where there was a Democratic majority up there of two-thirds, and said the diamond-shaped tickets were being flung out all over the county, and he ruled them to be flung out; and he said, 'We will take a vote on it.' He said 'There are three of us,' and looking at me he said, 'You can not vote,' and I said, 'I wasn't asking to vote,' and he said, 'If I can get another one to go with me we will vote it out.' At that time Mr. Williams and some other gentlemen stepped in and said, 'There is no law for it—for the flinging of these tickets out; and the way you are mixing up things up here you will get yourself into trouble about it.' Then some one said, 'We will have a test.' 'Well,' they said, 'let them have a test,' and Mr. Seward proceeded to vote and so did the other officers in regard to flinging them out, and the most of the board voted against it. So when I came to them they commenced to lay them out one side, and I said, 'I object to that. I say these tickets ought to be strung and put in that box and carried up to the commissioner's court.' Mr. Seward said, 'All right, we will string them.' So we had a needle and we strung them, and I kept a sort of tally, you know, and I was sitting there, and he said to Mr. Young, 'You keep a special tally here outside; I want to see how these

things run;' and Mr. Clay and Mr. Young kept that tally, and when they wound up that tally he said, 'How many more of those diamond-shaped things have you got there?' and Captain Clay said, 'We are near through;' and just before we got through with them Captain Clay wrote a little note and passed it to Mr. Young, and Mr. Young looked at it and he passed it to the presiding officer, and he looked at it and tore it up. And as soon as they got through the diamond-shaped tickets Captain Clay he raised up on his feet, and the tally he kept, the special tally, he tore it all to pieces.

"Q. That is, they counted these diamond-shaped tickets after they had ruled them out?

"A. Yes, sir; counted them in the whole.

"Q. And he kept tally of them?

"A. Yes, sir.

"Q. And then this note was passed around?

"A. Yes, sir; by Captain Clay.

"Q. And he tore up the record of the number?

"A. Yes, sir; when the presiding officer read it he tore it up, and some man said, 'You ought not to suffer that thing to be done;' and I said, 'Things are too critical here; you remember Chapel Hill; I don't dare to say a word.' Then some one walked in and touched Mr. Young with his walking-cane and he walked out, and the colored people commenced getting scared, thinking about Chapel Hill two years ago. I told them all to be quiet. I says, 'This thing will be attended to. I don't want anybody to get hurt, so be still;' and they all kept still. Mr. Seward, after he got through counting, got up and put all the tickets into the box and said, 'You see they will all go to Brenham, and they will decide it between us there,' and then went straight home.

"Q. How many of those tickets were there?

"A. There was 187 in the whole.

"Q. That is to say, 187 of the rejected, ruled out, diamond-shaped tickets?

"A. Yes, sir" (pages 63-65).

Carl Schutze, esq., testified as follows:

"Q. Do you know how many votes were thrown out at this last election?

"A. Yes, sir. I will give you the figures. At Independence, 187 votes; at Chapel Hill, 188 votes; and at Felder's box, 100 votes.

"By Mr. SPOONER:

"Q. Are those Republican votes you are talking about?

"A. Yes, sir; Republican votes, the diamond-shaped ticket, the straight Republican ticket, and it makes a total of 475.

"By Mr. EUSTIS:

"Q. What box do you mean by Felder's box?

"A. I am not so well posted in that section of the country that I should know. It is called Felder's box.

"By Mr. SPOONER:

"Q. You mean to be understood as saying that in the county canvass 475 diamond-shaped tickets were thrown out?

"A. Yes, sir; they were thrown out. They were straight Republican tickets. I will state that I take these figures from an article which appeared in my newspaper on the 11th of November. I charge also that the following Republican majorities were in the boxes that were stolen, if you desire to hear the statement.

"Q. Republican majorities in the stolen boxes, you mean?

"A. Yes, sir. At Graball's, 360; at Flewellen's, 150; and at Lott's Store, 123.

"Q. Where do you get your figures?

"A. I got them from all sources that I could get them at that time. I understood at the time, and have learned since, that these figures are correct, and I think they have been sworn to here. That makes a total of 1,103 votes that were thrown out and stolen.

"Q. That is, Republican votes?

"A. Yes, sir; 1,103 votes that were stolen from there and thrown out. In this connection I might state the majorities which, according to my figuring on the face of the returns, the several officers had. Paul Fricke, 580, that is the minority which we had on the face of the returns; Carl Schutze, 582.

"Q. What are those figures?

"A. They are the minorities on the face of the returns.

"Q. Who ran against you in that election?

"A. Judge Kirk.

"Q. Then you mean to say that on the returns as they were canvassed by Judge Kirk and the county commissioners, he, Kirk, had 582 majority?

"A. I think that was it. That is the way I received the figures. I do not know whether they are exactly fair or not. But that is the way I received them at the time, and I have not looked at them since. William Ehler, for collector, 612, and C. C. Bryan, 704 for county clerk; Allen Wilder, for county attorney, 742. He is a colored man.

"Q. Who was the Democrat who was running against Wilder?

"A. Mr. Rodgers. Against these minorities on the face of the returns we have to set off 1,108, and we claim we are elected by from 400 to 600 majority.

"Q. What have you on the member of assembly?

"A. I did not pay any attention to that in my article. I just read from the article which I wrote at the time, and I have no personal recollection of it since (page 214).

"By Mr. EUSTIS:

"Q. How many votes do you claim you were elected by as against Judge Kirk, leaving out everybody else?

"Mr. SPOONER. That is, if his votes had been counted.

"A. On the face of the returns they had 582. Take 1,108 votes that were thrown out and still that leaves 526 votes. I claim I was elected by a majority of 526 votes.

"Q. That is, counting all the ballots that were thrown out and stolen?

"A. Yes, sir; and the majorities that were stolen" (page 215).

Florence D. Jodon testifies as follows as to the notice to the judges of the election that the diamond tickets were held to be valid by the supreme court of Texas:

"Q. About these diamond-shaped tickets. How long had they been in use in that county prior to this election?

"A. I never saw them before.

"Q. How long had they been in use in the State?

"A. They had been used in Brazoria County, in the southern part of the State.

"Q. Prior to this election your court had held them valid?

"A. Yes, sir.

"Q. Had this decision of the court been published generally throughout the State?

"A. Yes, sir; it is published in 63 Texas Reports, page 393.

"Q. Had this volume of reports been published before this election?

"A. Yes, sir.

"Q. How long before?

"A. Some months before; and not only published there, but published in all our law journals. As fast as they are given they are published in pamphlets



form in the law journals, and then the State reporter puts them into the State volumes of reports.

"Q. So that it had come to the knowledge of the profession generally?

"A. Yes, sir" (page 186).

R. P. Hackworth testifies as follows:

"Q. And now, in regard to the other place, Independence. They threw out the diamond-shaped tickets there?

"A. Yes, sir; and at two polls in the Chapel Hill precinct—at Felder's Gin and in the town of Chapel Hill. There they threw out the diamond-shaped tickets.

"Q. Were diamond-shaped tickets cast in other parts of the county by Republicans?

"A. Yes, sir; it was the straight Republican ticket throughout the county.

"Q. Were they thrown out all over the county?

"A. No, sir; only at those three boxes.

"Q. The canvassers counted the diamond-shaped tickets polled at Democratic precincts and only threw out the diamond-shaped tickets from these Republican polls?

"A. Yes, sir.

"Q. Who made up that board of county canvassers?

"A. Judge Kirk and the county commissioners.

"Q. Who were the county commissioners?

"A. Mr. Felder was one, and Mr. Bolton, the father of the young man who was killed, was another.

"Q. He was a candidate on the ticket?

"A. Yes, sir; and there were two other commissioners.

"Q. Were they Democrats or Republicans?

"A. All Democrats.

"Q. Was there a lawyer on that board except Judge Kirk?

"A. I think not; I am sure there was no other lawyer but Judge Kirk.

"Q. Is he a practicing lawyer in your community?

"A. Yes, sir.

"Q. How long has he been in practice?

"A. I think ever since 1880.

"Q. How long has Judge Kirk lived there?

"A. I think he was born and raised in the county" (page 233).

O. B. Potter testifies as follows as to the reason and purpose of the diamond tickets:

"Q. Do you know why the tickets were made diamond-shaped?

"A. I could tell you what my opinion is about it, if you would like to know.

"Q. I should like to have it.

"A. Well, the large majority of the colored people of that county can not read; they are unable to read their tickets—a large majority of them, and if they do not have a ticket by which they can know they are voting the Republican ticket without reading it, why they are not satisfied; and for that reason, as I suppose, to prevent designing men changing their tickets, and interlining and putting in Democrats in place of Republicans, they made a straight Republican ticket, different in shape from any ticket in the field, in order that those men who could not read should be certain they were voting a straight Republican ticket, as they all desired to do, or nearly all" (pages 125 and 126).

THE MURDER OF THE COLORED MEN, ALFRED JONES, EPHRAIM JONES, AND SHAD FELDER.

On the 9th of November, one week after the election, Kirk committed to jail at Brenham eight colored men. The commitment was as follows:

"The State of Texas to the sheriff or any constable of Harris County, greeting:

"You are hereby commanded that you take into custody, and commit to the jail of your county, Steve Jackson, Alfred Jones, Ephraim Jones, Shad Felder, John Glass, William Davis, Felix Kinlow, Andy Hayes, charged with murder, and there safely keep to appear at the next term of our county court, to be held at Brenham on the 19th day of November, 1886, unless he gives good and sufficient bond in the sum of \$500.

"Given under my hand officially this 9th day of November, A. D. 1886.

"[SEAL.]

LAFAYETTE KIRK,

County Judge W. Co.

"Issued 9th November, 1886."

Upon some demonstration or indication that an attack would be made on the jail, these prisoners were sent to Houston and there held in jail. While there the prisoners were visited by their counsel, Mr. F. D. Jodon, who there prepared the papers to take them out of jail by habeas corpus. With Mr. Jodon was associated Mr. C. R. Breedlove, a prominent lawyer and citizen of Brenham, a Democrat, and they had been retained professionally and fees paid them by the friends of the prisoners. A copy of the papers prepared is as follows:

"To the Hon. I. B. McFarland,

Judge of the Twenty-first Judicial District of the State of Texas:

"The petition of Steward Jones respectfully represents that your petitioner is illegally restrained of his liberty by N. E. Dever, sheriff of Washington County, Texas, under the charge of murder, and that the said N. E. Dever restrains your petitioner, as aforesaid, by virtue of a warrant to him directed by John A. Vernon, a justice of the peace in and for said county, a copy of which is hereto attached. Wherefore your petitioner prays your honor to grant him the writ of habeas corpus directed to the said N. E. Dever, sheriff as aforesaid, commanding him to bring your petitioner, together with the authority for his arrest and detention, before your honor at such time and place as to your honor may seem fit, that justice may be done in the premises.

"STEWART JONES.

"Before me this day in person came Stewart Jones, who, being duly sworn, says that the allegations of the foregoing petition are true, according to his belief, this 30th day of November, 1886.

"R. P. HACKWORTH,

Justice of the Peace, Washington County."

"THE STATE OF TEXAS, Washington County:

"To the Hon. I. B. McFarland,

Judge 21st Jud. D.:

"Your petitioner, John Glass, respectfully represents that he is illegally restrained of his liberty by George Ellis, sheriff of Harris County, Texas, under a commitment issued by L. Kirk, county judge of Washington County, Texas, a copy of which is attached hereto and made part of this petition. Wherefore he prays that a writ of habeas corpus may issue in his behalf.

"JOHN (his x mark) GLASS."

"Personally appeared before the undersigned authority John Glass, the petitioner above named, who, on oath, says that the allegations in the foregoing petition are true, according to the belief of the petitioner.

"Sworn to and subscribed (by mark) before me this November 16, 1886.

"ALEX. ERICHRON,

Clerk County Court, Harris County, Texas,

"By L. H. WARING, Deputy."

On the 18th or 19th of November these prisoners, without any application to that end, as far as appears, and after these papers were ready for their presentation to the judge of the district of Houston, but before their presentation, were sent back to Brenham and lodged in jail. This transfer required the preparation of a new set of papers. On the 2d of December, about midnight or a little later, the jail was visited by an armed and masked company, some six or eight in number.

The guards were awake and away from the jail and in the adjacent courthouse, upstairs, sitting by the stove. The town constable on watch that night was upstairs, with these guards, and upon hearing the noise and looking from their windows the three men started to go down to the street. They were covered by the guns of some of the assailants of the jail and ordered to "keep quiet" and they would not be hurt, and they returned to the room and remained there to look out upon the removal of three prisoners from the jail by this company of armed and masked men.

These midnight visitors were admitted by the jailer, they informing him that they had a prisoner for the jail. The jailer, who seems to have had the keys of the cells in his hands, laid them down by the lamp which he deposited on a table in full sight. The armed men entering forced the jailer behind the opened door, threw a waterproof over his head, and two men held guard over him. The demand of the keys from the jailer was superseded by their observing the keys in sight.

Some of the party opened the cells of the eight colored men, ascertained from them their respective names, selected from them Alfred Jones, Ephraim (called also Stuart) Jones, and Shad Felder, and leaving the other five locked in their cells, took these three from the jail. They marched their pinioned captives before them out through the streets of the town, where they were joined by a mounted armed escort, spoken of variously as from twenty-five to seventy-five. The cavalcade conducted their captives along the public road to a point about a mile from Brenham. Here these colored men were hung "on a pecan tree," and there left until they were cut down the next morning by citizens who had come from the town.

The dead bodies were taken to the jail, when, in the language of the local paper, the Brenham Banner, "new drawers, undershirts, and nice shrouds were purchased and good coffins procured, and the bodies prepared for burial, after which they were turned over to their friends and relatives, who took them to their homes near Flewellen's for burial."

A coroner's inquest was held, evidence heard, and the conclusion reached was—"We, the jury, find that A. Jones, E. Jones, and S. Felder came to death by being hanged by parties to us unknown."

It does not appear to the committee that any participation, certainly any guilty complicity, in the death of Bolton was imputed by any one to either of these murdered men. The selection for execution from among the eight imprisoned was careful, deliberate, and systematic. The other five were immediately set at large on merely formal bonds of \$500 each. Polk Hill, then and now in custody, was the only person suspected or accused of being the actor in the homicide.

The commitment of the eight by Kirk, according to the evidence before the committee, and their discharge on bond were equally illegal, as the charge of murder, the only one alleged against them, was not by the law of Texas bailable, as the commitment made it, nor bailable after commitment except after judicial examination.

The committee is, therefore, upon all the evidence, of the opinion that these murders were each committed upon the motive and in the interest of the policy and purpose that had countenanced and caused the "raids" on the ballot-boxes at that election. The sacrifice of these worthy and blameless lives was demanded for the suppression of their evidence, which would have demonstrated the death of Bolton, as befaling him in the act of a preconcerted attack upon the ballot-box at Flewellen's to defeat the election of the Republican ticket. The committee can not find any escape from this conclusion upon the whole body and weight of the testimony. The following extracts from the evidence support this conclusion:

"W. S. Buster, having been duly sworn, was interrogated as follows:

"Q. What political party do you belong to there?

"A. The Democratic party.

"Q. You have always been a Democrat and are still?

"A. Yes, sir.

"Q. Did you know of the fact of three of those eight men being taken out of jail and hung?

"A. Yes, sir; I was on duty as a policeman in town the night they were taken out.

"Q. What were you engaged about as policeman at that time; where was your station?

"A. My station included the whole town, pretty much. There is one officer on at a time. At the time they came I was down at the city hall, near the jail. The city hall is an upper story and commanded a view of the jail-yard in the adjoining building.

"Q. Were you up there in the second story?

"A. I was up there when the crowd came—in the second story of the building, in the city hall.

"Q. You commanded the jail from where you stood?

"A. I could see the front of the jail-yard; I commanded a view of the front of the jail-yard. It was night when they came.

"Q. What time of the day or night was it that you were looking on and saw what you have described?

"A. Well, I went up there, I presume, about a quarter past 12. I think it was that time when I went up into the city hall.

"Q. In the daytime?

"A. No, sir; in the night. I had not been up there but a few minutes, I don't know exactly how long, when the gentlemen who were there with me—there were two with me—

"Q. Who was with you?

"A. There was Mr. Leonard G. and John Lockett. They were there as guards for the jail.

"Q. Where were they?

"A. They were in the city hall too. I was up there sitting by the stove, and I hadn't been there but a few minutes, and I think Mr. Leonard G. looked out and said, 'The yard is full of men.' I looked then, and I could see several men in the yard, and I started to go down on the street. The way I had to go down was through a stairway which went from the outside. I ran on down to the street in front, and as I started down there were three or four men rode around in front of the steps and halted us, and asked who we were, and Mr. Lockett, who was with me, told them who we were, and they told us then to go back up in the room and keep silent; 'Keep quiet,' they said.

"Q. Who told you this?

"A. I don't know, sir. It was a man on the street on horseback. I could not recognize who he was.

"Q. Was he armed?

"A. Yes, sir; he had a gun. I could see that several had guns.

"Q. What did you do then?

"A. I went back in the hall.

"Q. You went upstairs?

"A. Yes, sir; I went upstairs where they told me to go.  
 "Q. What became of the two men who were with you?  
 "A. They went back, too; one of them went back with me upstairs?  
 "Q. And the other one had staid there?  
 "A. Yes, sir; he staid there; he didn't come down at all.  
 "Q. You say they were guards of the jail?  
 "A. Yes, sir.  
 "Q. Was it their business to be up where they were?  
 "A. Well, I don't know about that.  
 "Q. Did you inquire as you went down what the disturbance was about?  
 "A. No, sir; I did not say anything to them.  
 "Q. Did you know what it was about?  
 "A. Well, I supposed what it was.  
 "Q. What did you suppose?  
 "A. I supposed what they had come for. I had heard of an attempt being made once before. I had heard of something which led me to believe that was what it was for.  
 "Q. What was it?  
 "A. I heard there had been some threats made that they would take them out. That is the way I understood it.  
 "Q. How long before this had you heard that?  
 "A. Well, it had been some time; that was before the prisoners were taken away. They were taken off to Houston for awhile, and then they were brought back, and this was a few days after they were brought back that this occurred. I had heard no threats or anything after they had returned until this.  
 "Q. Then, how long before this night had you heard there were threats to take them out?  
 "A. Well, it had been a week or two; I don't remember the time.  
 "Q. And you had been a policeman all this while?  
 "A. Yes, sir.  
 "Q. Had you done anything about it?  
 "A. No, sir; I had not.  
 "Q. Who was the head of the police force of which you were a member?  
 "A. Mr. T. L. Swayne is our marshal.  
 "Q. Did you see him there that night?  
 "A. No, sir; I saw him in the forepart of the night, I believe, early in the night.  
 "Q. At the time you were there did you see him at all?  
 "A. No, sir.  
 "Q. When you went down stairs let me understand whether you made any inquiry or not of what the disturbance was for?  
 "A. No, sir; I did not.  
 "Q. You thought you knew, did you not?  
 "A. Well, yes, sir; I thought I knew what the design was.  
 "Q. Who was the first person who spoke to you; who among the crowd down there first spoke to you?  
 "A. This man I speak of riding around on his horse spoke to us, halted us, and asked us who we were, and Mr. Lockett told him who we were and gave him our names.  
 "Q. Who was Mr. Lockett?  
 "A. Mr. Lockett was one of the guards who went down with us.  
 "Q. How did this man call, the one who was on horseback; what did he say?  
 "A. He said 'Hold up there,' and then he says, 'Who is that?' Mr. Lockett told him our names. 'Well,' he says, 'go back now up into the room and keep quiet, and you will not be molested,' or something. He had a gun presented at a half present.  
 "Q. Did he aim it at you?  
 "A. He had it pointed in our direction; yes, sir.  
 "Q. Well, it was pointed at you, was it not?  
 "A. Yes, sir.  
 "Q. Did he say he would fire if you came down?  
 "A. No, sir; he made no further threats, but we understood by his motions what he would do.  
 "Q. He pointed the gun at you, and told you to go back and be quiet and you would not be molested?  
 "A. Yes, sir.  
 "Q. Were you armed?  
 "A. I had a pistol.  
 "Q. Was Lockett armed?  
 "A. I suppose so, sir.  
 "Q. With a pistol?  
 "A. Yes, sir; he had no gun.  
 "Q. Well, you went back then?  
 "A. Yes, sir; I went back.  
 "Q. What took place after they went up there?  
 "A. They remained there a few minutes, I can not say how long, and they came back then, I suppose, with the men they took out; I could not tell. I could not see who they were.  
 "Q. But you could see the men they brought down?  
 "A. I could not see but one of them that I identified as a prisoner. As they came out of the front door they had a light with them inside, and when they came out some of them held the light back in the building, and as the first six or eight men stepped out of the jail they were in the light from the lamp they held inside, and I could see them, and I could see one of the prisoners, it looked like, with his hands pinioned behind him, but I could not say who he was.  
 "Q. Could see that he was a colored man?  
 "A. Yes, sir.  
 "Q. And his hands were pinioned behind him?  
 "A. Yes, sir; it appeared to me they were; he held his hands in that position.  
 "Q. Did these men have hold of him?  
 "A. No, sir; I could not say that they did.  
 "Q. Was he in among them, in the midst of them?  
 "A. Yes, sir; he was right in the midst of them—he was surrounded by them. Then they blew out the light, and I could only see the dark bulk of the men as they went along.  
 "Q. As this procession came out from the jail they put out their lights?  
 "A. Yes, sir; before the last ones got out.  
 "Q. What further could you see?  
 "A. I could not see any more. The crowd that went from the jail-yard went to the front together and were there but a short time, and they blew a whistle as a sort of signal, I suppose, and soon after that we could hear the horsemen coming down the street in different directions, and they all went off down the street.  
 "Q. These men on horseback approached at that signal?  
 "A. Yes, sir; the men on horseback followed the prisoners in a sort of procession, from what I could find out.  
 "Q. I understood you to say that after the signal men on horseback came down the different streets?  
 "A. Yes, sir; and fell into procession, and they all went off together.  
 "Q. They joined this party and all went off together on horseback?  
 "A. Yes, sir.  
 "Q. How were those prisoners carried off; did you see that?  
 "A. No, sir; I did not see that. After they got outside of the jail-yard I could not see them from the window I was at.

"Q. Was that the end of that matter?  
 "A. It was the end of it so far as I could see" (pages 77-81).  
 The character of the colored men who were murdered is shown by the following testimony of W. H. Blount (see page 129):  
 "Q. You knew these men who were hanged, did you?  
 "A. Yes, sir.  
 "Q. How long had you known them?  
 "A. One of them, Shad Felder, I had known for ten years; I don't remember how long I had known the others.  
 "Q. One of them was an old man?  
 "A. Yes, sir; one was Alph Jones; he was about sixty or sixty-five years old.  
 "Q. Were they bad men?  
 "A. No, sir.  
 "Q. They were men of good reputation?  
 "A. They were all good, peaceable citizens; all three of them.  
 "Q. Religious men, do you know; members of any church?  
 "A. Two of them were. Shad Felder and Alfred Jones. Stewart Jones was not a member of the church.  
 "Q. What was their business?  
 "A. They were farmers. Shad Felder owned a nice little farm of his own, with a steam-gin on it, and was in good circumstances.  
 "Q. Was he a man of family?  
 "A. Yes, sir; he had a wife and one child.  
 "Q. How about the others?  
 "A. I do not know as to the families of the others. They have got families, though, but I do not know about the number.  
 "Q. But each had a wife and children?  
 "A. I can not say about a wife and children, but each had a wife, I know.  
 "Q. You say one of them owned a place?  
 "A. Yes, sir; he owned a place, a nice little farm.  
 "Q. And lived on his own farm?  
 "A. Yes, sir; that was Shad Felder.  
 "Q. Did the others work as farm hands or rent land?  
 "A. They rented farms.  
 "Q. And raised their own crops?  
 "A. Yes, sir.  
 "Q. Both of them?  
 "A. Yes, sir."

Joseph Hoffmann, the candidate for the position of assessor on both tickets, testifies as follows (see pages 142, 143):

"Q. Now, did you not understand, and was it not understood in the community, that these three men were hanged because they could tell the truth about what took place at the killing of Bolton?  
 "A. Yes, sir; that has been the general impression.  
 "Q. Did one of those three men testify at the coroner's inquest held upon Bolton?  
 "A. I do not understand your question.  
 "Q. Did one of these three men who were afterwards hanged give evidence at the Bolton inquest?  
 "A. Yes, sir; I think so.  
 "Q. Did he at the inquest state that Bolton was masked?  
 "A. I heard that Shad Felder stated at the inquest that Bolton was masked; that is my understanding of it.  
 "Q. And he was hanged, was he not?  
 "A. Yes; he was hanged."

F. D. Jodon, esq., testified as follows (see pages 171-177, 181):

"Q. You know, other than from hearsay, of the arrest of these negroes, do you not?  
 "A. Oh, yes, sir; I was counsel for them in preparing application for the writ of habeas corpus.  
 "Q. These men were all Republicans, were they not?  
 "A. Yes, sir; I have no doubt of it.  
 "Q. All colored men?  
 "A. Yes, sir.  
 "Q. When did you first see them after their arrest?  
 "A. I saw them at Houston about the 15th of November.  
 "Q. They were arrested on the 3d of November?  
 "A. Yes, sir; on the morning of the 3d. They were brought to the Brenham jail and put in jail there, and a mob came up, so we heard, for the purpose of hanging them.  
 "Q. Did you see the mob?  
 "A. No, sir; I did not. The sheriff, I understood, had seen them down in the bottom, a few miles from that place.  
 "Q. Did you see any of these men while they were in jail at Brenham?  
 "A. No, sir.  
 "Q. You were not retained by them until after their removal to Houston?  
 "A. No, sir; in fact, their Republican friends were afraid to go to see them. They had asked me to prepare a writ of habeas corpus; Mr. Breedlove had asked me.  
 "Q. How long before they were removed to Houston were you retained?  
 "A. I was retained about the 14th or 15th of November and paid a fee, Mr. Breedlove and myself.  
 "Q. Did you know upon what charge these men were committed to jail?  
 "A. When I went to Houston the only thing I could derive any information from was the commitment of Judge Kirk on the charge of murder.  
 "Q. Do you mean to say that these men were committed to jail by Judge Kirk?  
 "A. I found out afterwards, when I prepared the second application at Brenham, that they were put in jail there by John A. Vernon.  
 "Q. At Brenham?  
 "A. Yes, sir. He was sent up from Flewellen's Store. He is a magistrate in that justice's precinct.  
 "Q. Did you prepare applications for habeas corpus?  
 "A. Yes, sir; two sets of them.  
 "Q. For each of these men?  
 "A. Yes, sir; each of these men, and I have them here.  
 "Q. Had there been any examination of these men on this charge?  
 "A. None at all within my knowledge.  
 "Q. Are they in the habit, when men are charged with murder down there in that country, of admitting them to five-hundred-dollar bail before examination?  
 "A. No, sir; our law is that no man charged with murder can be bailed until he has had an examination, and a justice of the peace can not bail him at all in a murder case. The county judge and others can, but it must be after an examination.  
 "Q. You say you prepared two sets of papers?  
 "A. Yes, sir.  
 "Q. When did you prepare the first set?  
 "A. On the 15th or 16th of November, when I went to Houston, I prepared them in the court-house there and took the ex-deputy county clerk with me to swear to it.



"Q. Is this a copy of your application?

"A. No, sir; that is the application itself of each one. It is the original. I never presented them to the judge. They were brought back before I could do it, and that necessitated a further application.

"Q. When were these men brought back from that jail at Brenham?

"A. About the 18th or 19th of November.

"Q. Was the fact that you had drawn the papers and were proposing to apply for a writ of habeas corpus known throughout Brenham?

"A. Yes, sir; well known.

"Q. Who was retained with you as a lawyer to secure the liberation of these men upon a writ of habeas corpus?

"A. Mr. C. R. Breedlove.

"Q. Is he a prominent lawyer there?

"A. Yes, sir; quite prominent.

"Q. A Republican or Democrat?

"A. He is a Democrat.

"Q. Before you presented this first application to the judge the men were taken from Houston and returned to Brenham?

"A. Judge McFarland was then holding district court in an adjoining county, and told us that he had ten or eleven murder cases on his docket and he could not take them up at once, as the law directs. He told us to hold them for a while. Then in the mean time they were brought up from Houston two days after I left Houston.

"Q. Why were these men taken to Houston?

"A. This mob that was coming up to hang them from below had been heard of—

"Q. Upon whose direction were they taken to Houston?

"A. I can not say.

"Q. Were they taken there at the instance of the sheriff alone?

"A. I can not say.

"Q. They were taken there in order that they might be protected from a mob?

"A. Yes, sir; to protect them from being hanged.

"Q. Had the feeling against them quieted down before they were returned or brought back to Brenham?

"A. It seemed to be entirely so. They were brought back without my knowledge of anything of the kind. They were brought up one night while I was down at the depot talking to a friend.

"Q. Why were they brought back; do you know.

"A. I do not know.

"Q. At whose instance were they brought back?

"A. It is said that the county commissioners' court issued an order for them to be brought back.

"Q. You say the excitement had all quieted down?

"A. No, sir; there was considerable excitement yet, but I had no idea that the prisoners were in danger. It had died down, the excitement had, and we all thought in Brenham that there was no danger to them at all.

"Q. So that you did not consider the necessity that led to their original removal in order to protect them still existed?

"A. No, sir, I did not; although Mr. Fricke warned me all the time that when the men were brought back they would be hanged, but I laughed at him.

"Q. When were they brought back?

"A. On the 18th or 19th of November.

"Q. When were they hanged?

"A. On the 2d of December.

"Q. Did you ever have any talk with those men?

"A. Yes, sir; at both Houston and Brenham I had full conversation with them in regard to what they knew.

"Q. Did you talk with all of them, the eight men?

"A. With all of them.

"Q. Why did you not get the writ of habeas corpus issued?

"The WITNESS. Do you mean the first, or last time?

"Mr. SPOONER. No; since.

"A. In the first place the judge told us to wait until he had a little more leisure time.

"Mr. EVARTS. What judge?

"The WITNESS. The district judge, J. B. McFarland. And in the next place I had gone down to jail with R. P. Hackworth, and they had sworn to their application, and Jailer Estis was up there at the time, and Mr. Breedlove had taken the applications to Judge McFarland that day, and that night they were hung.

"By Mr. SPOONER:

"Q. Was it generally known in Brenham that Mr. Breedlove had started with the application for a writ of habeas corpus?

"A. I believe so. I made it known myself; I did not conceal it at all.

"Q. And that night, before they could be presented to the judge, they were hanged?

"A. Yes, sir; they may have been presented and in the hands of the judge, but I do not know.

"By Mr. EVARTS:

"Q. But before this writ was served on the sheriff they were hanged?

"A. Yes, sir.

"Q. Is there any general sentiment in that community as to the cause or purpose for which those negroes were hanged?

"A. Yes, sir; the general opinion was that they were hanged to prevent their evidence from being brought forward. I have heard plenty of men of both parties say that."

Mr. S. A. Hackworth testifies as follows (see pages 230, 237, 238):

"Q. You had something to do with this habeas corpus application, did you not?

"A. Yes, sir; I took an active part in it.

"Q. The theory on which that was asked was that if the examination had been had it would develop the names of the persons who had raided the ballot-boxes?

"A. Yes, sir.

"Q. And your claim is that those men were killed to obliterate their testimony?

"A. Oh, there is no doubt of that. The day before these colored men were hung Judge Kirk, Mr. Rogers, Mr. Searcy, and nearly all the Democratic officials were in close consultation, not only in the court-house whispering, but they would come out on the streets and seemed to be very excited. Mr. Fricke came to me in the evening and said, 'There is mischief brewing. I can tell by the way these fellows are acting at the court-house there is some plot on hand, and,' he says, 'I am very fearful these freedmen in jail will be hung. They know that Breedlove has gone to see about getting the habeas corpus.'

"Q. You understand that the anxiety of Judge Kirk to induce these men to give bonds to secure their liberty rather than to have an examination upon habeas corpus was to prevent this examination and the disclosures which would be made there?

"A. Oh, yes; there is no doubt in the world about that. If the truth was

known, Judge Kirk and all the officials knew about the colored men, and I am satisfied of it as well as I can be about any fact I do not know. They were at the head of the whole thing.

"By Mr. PUGH:

"Q. I have not been here during your examination and am not able to cross examine you in reference to what you testified before I came in. But I understood you to say that those colored men were hung because they were witnesses to prove who raided the ballot-boxes—I understood you to make that statement?

"A. Yes, sir.

"Q. That is an opinion of yours, is it?

"A. Yes, sir.

"Q. You do not state that on personal knowledge?

"A. Well, from all the surrounding circumstances, I am satisfied that the opinion is correct.

"Q. I want you to state upon what facts or upon what information you make the statement that these negroes knew who raided these ballot-boxes, or any of them.

"A. They knew that Bolton was one of them.

"Q. Bolton was dead.

"A. Bolton was dead, but they knew that he was one of them, and I think they had a tolerably accurate knowledge about the others.

"Q. Please state upon what facts you supposed they had that knowledge; I want to learn upon what you base your opinion that these witnesses did have knowledge such as you have mentioned.

"A. You must take notice that in the investigation that would have occurred, if these colored men had been tried upon writs of habeas corpus, that not only these colored men themselves but a great many other witnesses would have been subpoenaed.

"Q. I am asking you now about those who were hung.

"A. I know; I understand the question perfectly.

"Q. What information have you as to the knowledge of those negroes who were hung as to who raided these ballot-boxes?

"A. I do not know whether it would be proper for me to say what I do know about that if I have to go before the court.

"Q. You have already stated that those negroes were hung to destroy their evidence.

"A. Yes; and to prevent other evidence which would have been obtained at that trial.

"Q. Which would have disclosed who those people were who raided the ballot-boxes?

"A. I believe that would have done it. That is my opinion.

"Q. I want to get at the value of your opinion, and in order to do so I would like to learn what is the foundation of your opinion, upon what facts and information it is based. Why do you think that those negroes knew who raided those ballot-boxes?

"A. I understood at the time the shooting occurred, in the running of the men away from the place, that some of these colored men in running, perhaps, had run across some of the other men, or had heard cries from some of them and recognized some of their voices. I did understand that. I do not know how true it is, but, from all the surrounding circumstances, I am satisfied that if the trial could have been had, that not only the testimony of these colored men themselves, but the testimony of other witnesses, could then have been obtained that could not perhaps be obtained now.

"Q. Those other witnesses are still living?

"A. Yes, sir.

"Q. Were there any other negroes in the jail from which these three were taken that had the same knowledge that the three had?

"A. No, sir; I think not."

Mr. J. L. Moore corroborates Mr. Hackworth's testimony (see page 512):

"Q. Do you know of three negroes being taken from the jail there and hanged?

"A. I heard of their being hanged the next morning after they were hanged.

"Q. Do you know who they were?

"A. Yes, sir; Shad Felder and the two Joneses.

"Q. Do you know why they were hanged?

"A. From rumor.

"Q. Give me the general opinion, if you can.

"A. My opinion and the general opinion I heard expressed was that they were hanged in order to prevent their evidence from being brought out on habeas corpus proceedings that were being instituted; they were in jail at the time.

"Q. Do you mean by that it was feared they would identify the perpetrators of the outrage there at Flewellen?

"A. That was the impression. It was the common rumor that they were hung because they knew too much about the parties who committed the outrage; that was the common report there; that they were hung for the purpose of destroying their testimony.

"Q. Have you anything more to say on that subject?

"A. That is about the substance of it."

The account of the hanging of these colored men, taken from the Brenham Daily Banner, a Democratic local paper, will conclude the extracts on this point. (See pages 682, 683.)

"HANGED—SHAD FELDER, ALFRED JONES, AND EPH JONES TAKEN FROM THE JAIL—THEY ARE FOUND DEAD HANGING TO A PECAN TREE.

"Thursday morning, at 1 o'clock, Mr. Jim Estes, the jailer, was awakened by a man at the jail door, who, in response to an inquiry, said that he was Schley and that he had a prisoner to put in jail. This seemed reasonable, and Estes got up, lit his lantern, and went the door, first putting the lantern and jail keys on a box in the hall. When he opened the door three masked gentlemen, two armed with Winchester and one with a prodigiously large revolver, entered and covered him with their guns. They informed Estes that they wanted the jail keys, and, looking around, soon discovered them. They forced the jailer behind the door, and taking a gum coat from the wall threw it over his head. Others then came in, and, unlocking the jail, men went up to the cell room and examining all the prisoners took out Shad Felder, aged forty-five, Alfred Jones, aged sixty, and Eph Jones, aged forty. They locked the cells and jail and throwing the keys on the floor they carried the lantern to the gate, blew it out, and left.

"Leonard Gee and John Lockett, who were employed as guards, were upstairs in the city hall; they started to come downstairs; they were covered with guns in the hands of masked men and told to keep still, they wouldn't be hurt. It is stated all the streets approaching the jail were carefully guarded. The number of the mob is estimated all the way from twenty to seventy-five men. They came to town on horseback in the most quiet manner imaginable, and their presence was not suspected till the jail was surrounded. The men had nothing to say, and were as orderly as soldiers on dress parade; where they came from or whither they went is a mystery.

"The hanging was the general theme of conversation during the day and a variety of opinions were expressed; most good citizens regret the hanging, but in the present state of public feeling it is regarded as one of those occurrences that could not well be avoided, and also that the negroes got no more than they justly deserved.

"The murder of Bolton and the subsequent mobbing of these negroes is the direct outgrowth of the incendiary speeches made by the Republicans during the canvass and the advice of the two envoys who induced the negroes to arm themselves and go to the voting place at Flewellen's. The Republican leaders will doubtless attempt to make political capital of this affair, and the defunct darkeys will be mentioned as having fallen martyrs to the cause of Republicanism in Texas. The hanging of these negroes by a mob is an occurrence to be regretted, but it was brought on by the very men who professed to have the greatest friendship for the negro, and whose friendship consisted in arraying the colored people against their employers and true friends.

#### "THE VERDICT.

"The jury of inquest summoned by Justice Hackworth to inquire into the cause of the death of Shad Felder, Alfred Jones, and Ephraim Jones, who were taken from jail at 1 o'clock on the morning of the 2d instant, on Tuesday morning returned a verdict that the parties named came to their death by hanging, and that the parties who hanged them are unknown. The testimony covered fourteen pages of paper, but nothing was elicited calculated to identify the men who did the hanging.

"At an early hour in the morning the dead bodies of the three negroes named were found hanging to the limb of a pecan tree, about a mile from the jail, on the Independence road, near the bridge over Sandy. The news of the hanging spread rapidly and was the cause of no little surprise, because no one had the least suspicion that a hanging was contemplated. In addition to the three hanged negroes there were five more, namely: Stephen Jackson, Felix Kinlow, William Davis, Andy Hays, and John Glass, in jail; all of them were charged with being implicated in the murder of Dewees Bolton, who was murdered by Polk Hill, a negro at Flewellen's, on the night of the election, and this hanging may properly be said to be a sequel to the unprovoked murder. Justice Hackworth impaneled a jury, who viewed the bodies of the dead negroes and proceeded to take evidence. A number of witnesses were examined, but no testimony was elicited tending in the remotest degree to identify any member of the mob. The inquest was adjourned over till Tuesday next at 10 o'clock.

"The negroes were scientifically hanged with new grass ropes, and when found they were all facing one way, with their feet about 30 inches from the ground. The bodies were cut down and hauled to town in a wagon about 10 o'clock in the morning, and deposited in the jail. New drawers, undershirts, and nice shrouds were purchased and good coffins procured, and the bodies prepared for burial, after which they were turned over to their friends and relatives, who took them to their former homes near Flewellen's for burial.

"A few days after their arrest the eight negroes were sent to Houston for safe-keeping, and only last week were brought back by order of the commissioner's court, who evidently apprehended no danger. They made a miscalculation. The officers were anxious to get the negroes out of jail, and offered to release all of them on bonds of \$500 each and to take such bonds as they could make, but the negroes, acting under the advice of their Republican friends, refused to make bond, but a lawyer was preparing papers to get them released on habeas corpus. Thursday afternoon the remaining five were released on bonds of \$500 each, going on each other's bond. They were greatly rejoiced at their supposed narrow escape and left for home at once."

In connection with Mr. Jodon's participation in the effort to obtain the release of these colored men, it is deemed relevant to cite the following testimony, and to say that in the entire testimony not a single charge is made detrimental to Mr. Jodon's character. He appears always to have been an exemplary citizen and a faithful and competent lawyer. Mr. Jodon testifies (page 180):

"Q. Were you threatened in any way in connection with this employment?

"A. Not until after I was counsel of the negroes that were hanged. I got a letter the next morning after they were hanged. I will say, in advance, that when Polk Hill came up from Flewellen's that night he passed through Brenham and I understand, staid at his mother's. A day or two afterwards Mr. Hackworth and I were accused of having harbored Polk Hill. I was out around the polling place the whole night and until 12 o'clock the next day looking on. But this is the letter I got the next day. It was not dated, as well as I remember, but it was post-marked. I will read it if you wish me to, or you can do so.

"Q. Do you know who wrote this letter?

"A. Yes, sir; I have good reason to believe that Frank Harven wrote it.

"Q. Who is he?

"A. A young attorney there.

"Q. Is he a Democrat?

"A. Yes, sir; and a particular friend of Judge Kirk's and others active in the canvass.

"Mr. SPOONER. I will read this letter.

"F. D. JODON, Esq., Brenham, Tex.:

"After careful investigation we find that you have used every means in your power to justify the uncalculated outrage at Flewellen's store by continued false reports for no other purpose than to influence public opinion in favor of murderers. You have falsely advised and harbored and protected murderers hiding from justice, and in every possible way done all in your power against the interests of the tax-payers of this county. We therefore find it actually necessary for peace and good order, and to avoid further trouble between the races, to request that you leave the county in ten days.

#### "COMMITTEE."

"The WITNESS. I received that letter by mail. My little boy brought it to me on the street.

"Mr. SPOONER. It is postmarked 'Brenham, Dec. 3, 11 a. m., 1886, Texas,' and is addressed to 'F. D. Jodon, Brenham, Tex.'"

"In regard to the letter I received, I did not for three days make it known even to my wife. I sent a copy of it to the Galveston News, with a little explanation as to what part I had taken with those negroes, and they refused to publish it unless I paid them forty-two or forty-three dollars; and that I would not do, and they sent it back. But there was Mr. Breedlove and a number of friends, one who was the city marshal and had been for from sixteen to seventeen years; I went to them and said, 'Gentlemen, this is a serious time; shall I leave or not?' Mr. Swain told me, 'Mr. Jodon, things have come to such a pass that I can not give you any advice,' and Mr. Breedlove said the same thing. He said, 'I would advise you to leave,' and he gave me this letter to a friend of his, Col. G. W. Jones, in Bastrop, describing the situation.

"Q. Where does Mr. Jones live?

"A. In Bastrop, Tex. He was a Representative here a number of years ago.

"Q. How far is Bastrop from Brenham?

"A. I suppose it is about 60 miles.

"Mr. EVARTS. This letter is as follows:

"Col. G. W. JONES: "BRENHAM, TEX., December 8, 1886.

"DEAR SIR: There is a bad state of feeling here, and F. D. Jodon is under the

ban for some cause. He has been warned to leave here, and, under all the circumstances, I have advised him to go.

"Mr. Jodon is honest and trustworthy and possessed of good business qualifications. Withal he is a very fair lawyer. He goes to Bastrop to look for a location. I will be under additional obligation to you if you will assist Mr. Jodon in getting a location.

"Your friend, etc.,

"C. R. BREEDLOVE."

"By Mr. EVARTS:

"Q. You say Mr. Jones was formerly a member here?

"A. Yes, sir; he was a member of Congress here several years ago?

"Q. After this advice and your getting this letter from Mr. Breedlove what did you then determine to do?

"A. On the streets during the time it was well known I had received the letter—in fact before I made it known myself it was known on the streets.

"Q. Before you said a word in regard to it?

"A. Yes, sir.

"Q. The fact that the letter had been sent you was bruited about?

"A. Yes, sir. A friend came and told my wife about it. My wife asked me if I had received it, and I told her, 'Jennie, what would they send me a letter for?' but I had to tell her; I felt it was my duty to do so. During that time, the ten days, even my best friends, those who had been lifelong friends, or at least friends of mine since I had been living there, avoided me on the streets and would not stop and talk to me. In the mean time, on Friday, after I received the notice, they had this indignation meeting at Burton. I did not like to leave home, and did not know where to go. I thought from the impression it made on Brenham that there was a reaction setting in to some extent; I was not positive, but I hoped so. I saw that the good people of our county were making it known, and I could see, at least thought I felt, that I would not be driven out from my home. That is the truth. But I got a shotgun and some ammunition, and I proposed to stay there. I did stay there against the advice of my friends, dozens of them. I felt this way: That if any mob did attack me at night I could go up in the second story of my house, my boy and myself, and I could at least make an alarm such as would call the neighbors to me.

"Q. How old was your son?

"A. Seventeen years of age.

"Q. Is he the oldest member of your family?

"A. Yes, sir.

"Q. How many children had you?

"A. Seven.

"Q. All living at home?

"A. Yes, sir; six boys and one girl.

"Q. Did any of your friends or neighbors stay with you?

"A. No, sir. There were one or two who would have done so, but I told them I did not want to involve them in my quarrels or troubles. I told them I thought I could defend myself; that is what I thought about it.

"Q. How long was it before you felt at ease so as to be able to dismiss these fears?

"A. Never while I remained in Brenham; I never did until I came up here."

When Mr. Jodon was called again before the committee, a year later, he testified as follows (pages 683-685):

"Q. Have you been back to Brenham since your testimony was given before in this matter?

"A. Yes, sir; I reached there on the 23d of last October?

"Q. You may state what your experience was at Brenham.

"A. I will state in the outset that Mr. Swearingen, in a conversation here the other day, said I would be as safe in Brenham as he would be.

"Q. Who is this gentleman?

"A. The gentleman here present, an attorney and witness. His name is J. T. Swearingen.

"Q. A gentleman from that county?

"A. From Washington County, now here representing the defense.

"By Senator PUGH:

"Q. Are you not here in the prosecution of this case?

"A. I will tell you what my condition is as I go along, Mr. PUGH.

"By Senator TELLER:

"Q. Go on.

"A. After I left here I went over into Maryland. I was there about ten days, I suppose, visiting friends and relatives.

"Q. You started to tell what Mr. Swearingen said.

"A. In a conversation here on Monday, which he brought up, we were discussing the situation in Washington County. He stated that I would be just as safe in Washington County as he would himself. I told him that that surely was not true.

"Now I will go on and state about it. I went over into Maryland, and while at Emmitsburg I received a letter from my wife begging me not to come back, and in a little while I got, I suppose, half a dozen letters from different friends warning me not to come back. My intention was to go back just as soon as my visit was over, but through my wife's entreaties and the warnings of my friends I did not go back. I staid in Maryland and West Virginia until about the 16th of last October. Then I determined, against my wife's desire and against my friends' wishes, that I would not stay away from my family any longer. I went back there with the idea that they would not disturb me, because I had done nothing more than I have done here. I had done what I thought was my duty as a citizen. I had been brought into the case because I had been an attorney for the negroes that were hanged, and nothing else. I had no part in the political troubles; never have voted the Republican ticket, except occasionally for county officers, never in my life. When I got back there some of my friends told me I was in danger, and that I ought not to have come back. In judgment I disagreed with them.

"About three weeks afterwards I was out in the street one day, talking to a friend, when Bob Wright, who was a witness up here before, and who was one of the officers at Flewellen's, I saw coming across the street directly opposite me on Hosea's corner. I also saw Hunt, Gus Hopkins, and several other Democratic colored men who had taken a very active part in it down there, and I saw the county officers out in front of the court-house, on the east side of it, in a group. I had been warned about Bob Wright, that he would make an attack upon me. I didn't think he would do it. I had no arms or anything of the kind about me. A little before the attack was made, John Lockett, a policeman, who was the man that was on guard at the jail the night the negroes were taken out, and who left his post and went up into an adjoining building where it was not possible for him to defend them—John Lockett came behind me and sat on a barrel. I knew he was a bitter enemy of mine, just as bitter as he could be.

"By Senator PUGH:

"Q. What are his politics?

"A. Democratic; That is, one with the People's ticket all the way through. I consider him a Democrat on that account.

"Q. All those who voted the People's ticket are Democrats?

"A. No, no; I don't think so, Mr. PUGH; I don't charge so. I know it is not so.



"By Senator TELLER:

"Q. Go on with your story.  
 "A. He came behind me, within three or four steps, and sat down upon a barrel. I was suspicious the moment he came and sat down, and when I saw these other parties around different places I was more so. In a few minutes I saw Wright walking across the streets with his hands in pockets, and I was satisfied he had something in them. My wife had warned me about Bob Wright, because some of my friends had told her before I came back that he would attack me. I was sorry then that I had gone upon the streets, because I thought difficulty was coming. He came up to me, walked up very close, and the first thing he said he wanted to know what I had stated up at Washington at this investigation. I said to him, 'Bob, whatever I have said is sworn to, and in black and white.' Then he went on to state that I had spoken badly about him up here; that I had said he had lied in all his testimony. I told him there was no truth in it; that the record would show there was no truth in it. He told me that Mr. David and a number of others had told him that I had said he had lied. I told him I had the record at the house. I wanted to avoid a difficulty, because I was in no situation to get into one. I hadn't a friend there to depend upon. He kept pushing me, and at last I backed off from him. In the mean time I had gotten up from the barrel and stepped around the corner, and I kept trying to baffle him as much as I could, and at last turned to leave him, and as I turned to leave, he struck me on the back of the head; I don't know whether it was with a pair of brass knuckles or what it was, but I know it nearly knocked me down, and raised quite a lump. As soon as I arose we exchanged a good many blows.

"Q. You mean you and Wright exchanged blows?  
 "A. Yes, sir; after he struck me. I had no arms, and I was afterwards glad of it. My friends had told me not to carry arms, because if I did and they were shown on the streets it would not be well for me, and I took their advice. I thought it was useless to fight under the circumstances. After that I was arrested and fined for having struck the first blow. Mr. Lockett and Mr. Wright swore that I had struck the first blow, and I could not find a witness to testify anything about it for me, although there was quite a number of persons around at the time. I found parties afterwards who saw it and told me they saw Wright strike the first blow, but it was too late then. After that my friends came to me and told me that I must leave the place. I told them I was not situated so I could leave; that I didn't have the means to leave with; that I had been away from my family so long, and I thought there was a prospect of my being able to sell my property, and I would like to take my family with me when I went. They told me that if I staid there I must not go upon the streets; that if I did I would have to take the consequences. So from the 20th of November until the 8th day of February I never went upon the streets of Brenham except two or three times, perhaps half a dozen times, at night to visit friends on the outskirts. It was not that I was too cowardly at all, but I didn't feel that I ought to run such risks. I had already run more risks than I felt I was justified in doing.

"Q. What did you do then?  
 "A. I sent to my brother-in-law in West Virginia and got some money; I couldn't raise it there; that is the truth of it. But when Mr. Swearingen says I am as safe in Brenham as he is he tells what he knows is not true. There is no man who has a wife and seven children would have staid away from home the length of time I have, and you know it [addressing Mr. Swearingen]. God Almighty will punish you men for this thing before you are done with it, if man don't."

**NO EFFORTS TO PUNISH THE "RAIDS" PERPETRATED ON THE BALLOT-BOXES, OR DISCOVER OR PUNISH THE MURDERERS OF THE COLORED MEN.**

The evidence before the committee showed that no attempt was made by the authorities of the county of Washington or of the State of Texas to bring to indictment, trial, or punishment any of the actors in the several raids on the ballot-boxes at the election of 1886. No such attempt had been made in respect of the outrage upon the ballot-box and the shooting of the colored judges of election at Chapel Hill in the election of 1884. No zeal or interest was shown by the citizens of Brenham, nor by the leaders of opinion there and throughout the country, to vindicate their good name or clear their skirts of complicity in these crimes. On the contrary the whole drift and purpose of sentiment and action seems to have been to cover and either justify or excuse the transaction, defeat the public justice, screen and protect all actors and abettors of the outrages, hide or pervert the truth, and turn indignation and accusation away from the guilty, and seek to inculcate the innocent victims and their surviving friends and sympathizers.

The wrath of this community was all excited, and was all visited upon the white and colored Republicans, who had striven at the polls to assert the will of the majority to decide by their votes and the canvass of them the pending election. The committee calls attention, in support of these views, to some extracts from the testimony showing the drift of the prevalent feeling, and also the sentiments of prominent citizens of Texas, conspicuously those of Governor Ireland.

Testimony of Carl Schutze, esq. (see page 201):

"Q. There is no dispute thus far about those occurrences, and the point I want to get at in this connection is simply whether you know of any steps having been taken by the Democratic county administration leading to the discovery and arrest of the perpetrators of those outrages.

"The WITNESS. No, sir; I know that they have not made any attempts in that direction.

"Q. Was any reward offered at any time by the county officers or sheriff for the apprehension of these men?

"A. No, sir.

"Q. Does your sheriff offer rewards in Texas where murders have been committed, in order to discover the criminals?

"A. Yes, sir; sometimes they do.

"Q. You heard about these negroes being hanged?

"A. Yes, sir.

"Q. Did you know those men?

"A. No, sir.

"Q. Were any efforts made, so far as you know, to discover and arrest the perpetrators of that outrage?

"A. None whatever.

"Q. Do you know of any reward having been offered for their discovery?

"A. I know there has been none offered."

Mr. S. A. Hackworth testifies as follows in regard to the outrage at Chapel Hill in 1884 (see page 218):

"Q. And there was an outrage there in 1884, was there not?

"A. Yes, sir.

"Q. In what did it consist?

"A. Well, armed and masked men went out into the election room about 3 or 4 o'clock in the morning and shot two colored men, and one died afterwards from his wounds, and the others recovered; there were three men shot.

"Q. Were they officers of the election?

"A. I think so.

"Q. There were white officers at that same election at that poll?

"A. I do not think there were any white officers there. That election precinct was divided up after Judge Kirk got in into three election precincts.

"Q. Do you know of any effort having been made by the Democratic county officials to discover and apprehend the perpetrators of that outrage?

"A. No, sir; not a single effort was ever made.

"Q. Were any rewards offered for their apprehension?

"A. No, sir.

"Q. Did the grand jury make any investigation into the matter, so far as you know?

"A. So far as I know, I think not; I never heard of any."

W. H. Blount testifies (pages 218, 219):

"Q. You heard about the ballot-boxes being raided, of course?

"A. Oh, yes, sir.

"Q. And some of the colored men being hanged?

"A. Yes, sir; I saw the three colored men after they were hanged, the next day, and one of my wagons took them back to the jail.

"Q. Where were they hanged?

"A. About a mile and a half north of Brenham, near the city limits, on a pecan limb.

"Q. Do you know whether any effort was ever made to discover and arrest the men who hanged them?

"A. No, sir; I never heard of any.

"Q. Do you read the newspapers published in that county?

"A. Yes, sir.

"Q. Did you ever happen to read any proclamation signed by the governor offering a reward for the arrest of men who had hanged those men?

"A. No, sir.

"Q. Did you ever see or hear of any reward being offered by any of the county officers for the arrest of those men?

"A. No, sir; I have not.

"Q. No reward offered for the discovery and arrest of those men?

"A. No, sir.

"Q. Did you ever hear of any reward being offered for the discovery and arrest of the men who raided the ballot-boxes in the colored belt on election day?

"A. No, sir; I have not."

Paul Fricke testifies (page 158):

"Q. There were two Democratic meetings there in the nature of indignation meetings, were there not, after the election?

"A. Yes, sir.

"Q. It was reported through the county that in this Washington precinct the ballot-boxes had been raided and the ballots stolen?

"A. Yes, sir.

"Q. Did you hear of that being condemned at all at any of those indignation meetings?

"A. No, sir; I did not.

"Q. The condemnation was directed against the shooting of Bolton mostly, was it not?

"A. Yes, sir.

"Q. Did you know of any rewards being offered, or efforts being made to discover and arrest the perpetrators of these outrages upon the ballot-boxes?

"A. No, sir.

"Q. You did not hear anything of the kind?

"A. No, sir.

"Q. Do you remember about the hanging of those colored men?

"A. Yes, sir.

"Q. Did you know those men?

"A. Yes, sir.

"Q. You knew the three colored men who were hanged?

"A. Yes, sir.

"Q. They were Republicans, were they?

"A. Yes, sir.

"Q. Were they reputable men?

"A. Yes, sir; men of good standing, so far as I know.

"Q. Did you know of any effort being made to arrest and discover the man or any of the men who hanged them?

"A. No, sir; not that I know of.

"Q. No rewards have been offered for their apprehension?

"A. No, sir."

Mr. Jodon testifies (page 185):

"Q. I want to ask you this question: Do you know of any effort having been made to discover and arrest the men who hung these three colored men?

"A. No, sir; none at all.

"Q. Do you know of any reward having been offered by the governor or the county officers for their apprehension?

"A. I have never heard anything of it.

"Q. And no arrests have ever been made?

"A. No, sir.

"Q. Do you know of any efforts being made or steps having been taken to apprehend the men who raided the ballot-boxes at Flewellen's and the other points in that justice's precinct?

"A. No, sir; none to my knowledge.

"Q. Do you know of any rewards having been offered for that purpose?

"A. I heard of none.

"Q. And no arrests have been made?

"A. None.

"Q. Did you ever hear a Democrat in Brenham express any indignation over the outrages upon the ballot-box?

"A. Yes, sir; I have heard a number.

"Q. A good many?

"A. Yes, sir, I have; and I have heard a good many express themselves to the contrary, and say that it was a white man's country, and they paid the taxes and ought to hold the offices."

The testimony of Lafayette Kirk, a leading Democrat of Brenham, is as follows (page 25):

"Q. Do you know of any efforts having been made to find the men who hung them?

"A. Yes, sir; I do.

"Q. Was any reward offered for the apprehension of the men who hung them?

"A. None that I know of. The county attorney and the justice of the peace of the Brenham precinct were both together and conducted the inquest; they took down the testimony of all the witnesses.

"Q. They had to do that according to law?

"A. Yes, sir; it is the business and duty of the justice to hold an inquest. They had an examination of the witnesses that they thought could shed any light upon the subject.

"Q. How do you know what they thought?

"A. Well, I talked with the county attorney about it and the justice of the peace, and it was generally understood that they devoted one day to the investigation and adjourned the inquest proceedings for three or four days. The object of the adjournment in the mean time was to see if they could get any addi-

tional testimony, or ascertain any witnesses who knew anything that would develop who did the hanging or who were implicated in it, or anything that would be the basis of a complaint or charge against any person or persons.

"Q. Were any other steps taken that you are aware of to discover the men who hanged these three colored men?

"A. No, sir; no other steps.

"Q. Except the holding of the inquest?

"A. That is all that has ever been done that I know of.

"Q. Have you heard of any steps being taken to discover and arrest the men who raided the ballot-boxes?

"A. I will state in that connection that the grand jury, which is the proper tribunal—

"Q. Please answer the question whether any steps have been taken to that end.

"A. I do not know of any.

"Q. Were any rewards offered for their apprehension?

"A. I do not know of any rewards that were offered."

Governor Ireland appeared before the committee and testified as follows on this point (pages 344-347):

"Q. Do you know what happened in that county at the last election in November?

"A. I know it from general information.

"Q. What do you understand occurred there?

"The WITNESS. Do you speak with reference to this investigation and the memorial which has been presented?

"Mr. SPOONER. I speak with reference to the offenses against the ballot-box.

"A. I understand that a peaceable, quiet white man was shot down there for making his appearance at one of the voting places by a lot of negroes under orders from white men to shoot any white man that presented himself at that poll that day, that night.

"Q. Do you know anything about it personally?

"A. I do not.

"Q. Well, what else do you understand?

"A. I understand that there was a ballot-box destroyed at some precinct of the county; I can not remember the name of it.

"Q. Was it at the Flewellen precinct?

"A. No.

"Q. Was it at the Graball precinct?

"A. Yes; it was at Graball, I believe.

"Q. What else?

"A. That is about all I remember that occurred of any note, so far as the general history of the matter is concerned.

"Q. Do you remember to have heard of the ballot-box containing ballots cast at the Lot's polling place being taken by armed men from the custodians of it?

"A. No, sir. I heard that there had been a ballot-box or two destroyed in that county, but I remember but one, a polling place that was called Graball precinct.

"Q. Do you remember hearing of the hanging of the three negroes who were hung there?

"A. That occurred some time after the election.

"Q. Not a very great while after the election?

"A. Well, several days; some time.

"Q. Was your attention called at any time to outrages upon the ballot in that county?

"The WITNESS. Do you mean officially?

"Mr. SPOONER. What do you mean by 'officially'?"

"The WITNESS. You asked me if my attention was called to it.

"Q. I mean, did any reputable citizen of Texas bring to your notice, as governor of that State, the fact that outrages had been perpetrated on the ballot-boxes in that county?

"A. No, sir; they did not; there was no representation made to me.

"Q. Do you know Mr. Hackworth?

"A. No, sir; I do not know Mr. Hackworth.

"Q. Did you receive a printed circular from any one in Washington County giving a history of what occurred in that election?

"A. I did not. If the circular was sent to the governor, to the office of the governor of Texas, it probably went into the waste-basket. I never read circulars. The governor of Texas has other business to do besides reading circulars.

"Q. I presume that is true. I suppose if a circular charging serious offenses against the law in that State, and over the signature of a citizen of that State, came to your knowledge, you would deign to read it?

"A. I have never found time to read such circulars while I was governor of Texas.

"Q. Do you know Judge Rector?

"A. Judge Rector who lives in Austin?

"Q. Yes; chairman of the Republican State central committee.

"A. Yes, sir.

"Q. Did you have any conversation with him at any time in regard to the outrages upon the ballot-boxes in Washington County?

"A. No, sir; I did not.

"Q. Or as to the hanging of the colored people there?

"A. There was a conversation between Judge Rector and myself about the hanging of those people.

"Q. The fact of their being hanged was brought to your notice as governor of the State?

"A. Yes; by Judge Rector.

"Q. You did not consider that officially brought to your notice perhaps?

"A. Well, sir; I considered it officially brought to my knowledge. Judge Rector waited upon me because I was governor of Texas, and I considered it an official communication, or rather I received it officially. He could have had no other motive in coming to me than that I was governor.

"Q. I suppose you took no measures to discover the perpetrators of that outrage?

"A. No, sir. The conversation between Judge Rector and myself was a private one.

"Q. I am not asking you to give it if you do not choose to.

"A. And the reason why I took no measures in the matter was because of reasons suggested to me by Judge Rector, and he might not want them disclosed.

"Q. Is it customary for the governor of Texas to offer rewards when outrages and murders are committed?

"A. When he is requested to do so, and if there is a likelihood of his finding anything.

"Q. When he is requested by whom?

"A. By some person interested in the matter, or some persons who know the surroundings in the case.

"Q. You were not requested to offer any reward?

"A. It was suggested to me; the matter was suggested.

"Q. But no reward was offered?

"A. No, sir; none was offered, and I will tell you the reason why. It was suggested that in no instance had any member of a mob of that sort, who came at night and committed a deed of that kind, ever been punished, and that the reward would effect nothing at all. I would effect nothing whatever.

"Q. It would not have cost the State of Texas anything to have made the offer then?

"A. No, sir; it would not, but it would have been regarded as a bid for bribery, a bid for corruption.

"Q. Why in that case any more than in any other case of murder or any other heinous crime?

"A. We knew that that murder had been committed and the men had been taken out and hung.

"Q. It is always known that a murder has been committed before the governor offers a reward?

"A. It is generally supposed, at least, that a murder has been committed if it is not known. Your asking me these things places me under the necessity of telling what Judge Rector said to me.

"Q. I do not want to put you in any position which you feel fairly calls upon you to do anything which a gentleman ought not to do; certainly not.

"A. You have already got down the fact that it was brought to my knowledge that the negroes had been lynched, and Judge Rector waited on me and suggested rewards; you have already got that.

"Q. You said in your direct examination, as I understood, that you had refused assistance?

"A. That was in the election and in the ballot-box matter.

"Q. Very well; make any statement you choose.

"A. Judge Rector suggested to me that no good could come of a reward being offered. Judge Rector is a gentleman, a clever man, and an honest one; and he suggested that I offer a reward, although stating at the same time that it could effect no good; that the men could not be convicted if apprehended and identified, but that it would take from the Republican party in the North a handle in the coming elections.

"Q. That is, you say Judge Rector told you that?

"A. Yes; he suggested that.

"Q. That is to say, Judge Rector suggested to you the offering of a reward and then advised you not to offer it, at the same time?

"A. He did not advise me to offer a reward, and I did not so state. You do not state it correctly. He suggested the offering of a reward, but stated that he did not believe it would effect any good, except to stop, probably, the very proceeding that is now going on here by this Senate, and to take out of the mouth of the Republican party in the North a hue and cry against the South which they would have if I did not offer rewards.

"Q. He was chairman of the Republican State central committee of Texas, and he waited upon you and informed you of the hanging of these three men, and suggested to you the offering of a reward for the apprehension of the men who hanged them, and then he suggested to you as a reason why perhaps the reward ought not to be offered?

"A. No; not why it ought to be offered.

"Q. Why it ought to be offered?

"A. Yes, sir.

"Q. That if it were offered it would deprive his party in the North of the opportunity to use that fact against the Democratic party?

"A. Yes; that is exactly what he said. And he said further that no instance could be mentioned and probably no number or body of men like that would ever be punished by law.

"Q. And you offered no reward?

"A. No, sir; I did not offer any reward.

"Q. You do not know of any steps whatever having been taken looking to the apprehension of those men?

"A. I do not.

"Q. You say you were not called upon to offer any reward for the apprehension of these parties who committed depredations upon the ballot-box?

"A. No, sir; I was not, and if I had been I would not have offered the reward. The reward fund is not placed at the disposal of the governor of Texas for the purpose of convicting men of misdemeanors. That was a misdemeanor under the laws of Texas, and we do not offer rewards there in such cases.

"Q. So that if any ballot-boxes in Washington County had been seized by masked men before the ballots were counted in them, upon a conspiracy, or to pursue a conspiracy, you, as governor, would not have felt it incumbent upon you to take any steps leading to the apprehension of the persons who committed that offense, because it was a misdemeanor?

"A. Your question is a very sweeping one. As to what the governor would do if the vote or the ballot-boxes in a State like Texas were destroyed is hard to tell.

"Q. I did not say in the State; I said Washington County.

"A. No, sir; I do not know that I would, because we are not in the habit of doing it in matters of misdemeanor.

"Q. Then you did not offer a reward for the apprehension of men who raided the ballot-boxes, because it was a misdemeanor?

"A. Yes, sir; and because I was not requested to do it."

The public sentiment is further shown by the fact that Governor Ireland, ex-Congressman Hancock, and other leading lawyers of Texas, volunteered without fee to defend Kirk and others in August, 1887, when they were tried for conspiracy to "raid" the ballot-boxes. This fact will appear from the following testimony:

"Stephen A. Hackworth, having been duly sworn, was interrogated as follows:

"By Senator SPOONER:

"Q. Were you present at the trial of this case of the United States against Kirk and others, at Austin?

"A. Yes, sir.

"Q. Who prosecuted that case?

"A. Rudolph Kleberg, the United States district attorney, and Mr. Franklin, who was employed by the United States to assist Kleberg.

"Q. Is he the assistant district attorney?

"A. No, sir; he was specially employed for that case only.

"Q. Who defended the case?

"A. Ex-Governor Ireland, ex-Congressman John Hancock, Seth Shepherd, W. W. Searcy, known as "Buck" Searcy, and one or two Democratic lawyers around Austin whose names I do not remember.

"The WITNESS. The attorneys for the defense filed pleas to have the indictments against the defendants dismissed upon the ground that United States district courts had no jurisdiction to try white citizens of a sovereign State for election offenses; that it only applied to colored citizens alone. The motion was argued for about three days. Finally, Judge Turner overruled the motion to dismiss the indictment and they went to trial. United States Senator COKE was at the trial and sat inside the bar with the defendants, Judge Kirk and his attorneys, engaged now and then in pleasant conversation with them, and his presence there was construed by the public to mean that he was there lending his aid and influence in creating a public sympathy in behalf of the defendants. I heard several remarks myself made by spectators on the outside, who said that there was no danger in the world of the defendants being convicted; that Senator COKE, ex-Governor Ireland, and Mr. Hancock, they believed, had influence enough with Judge Turner to induce him to dismiss the indictment, but if they were forced to trial they had not the least doubt they would be acquitted, notwithstanding what the evidence might be" (pages 658, 659).



After the trial a public meeting was held, at which resolutions of thanks to the defenders of Kirk and others were passed, and later an amount of money was raised by subscription sufficient to buy a gold-headed cane, which was presented to Mr. Shepherd. These facts are supported by testimony as below:

S. A. Hackworth testifies (page 669):  
 "After the trials were over—I believe some of the defendants were acquitted; there was a hung jury on one or two of the main counts in the indictments against Kirk—and the defendants went home a mass meeting was called in Brenham, in which thanks were returned to ex-Governor Ireland, ex-Congressman Hancock, Mr. Shepherd, and other attorneys for having defended the defendants from charges made against them and for having done so without legal fee. As a matter of course they had a right to do that. But it is usual with attorneys in defending men charged with grave offenses to charge very high fees. I know that the entire influence of the Democratic press and the leading Democratic politicians of Texas has been used to prevent the conviction of these defendants."

Henry Muller, a Democrat, testifies (page 658):  
 "Q. Do you know of any public meeting being held there after the trial, at which resolutions of thanks to counsel were passed—to counsel who defended Kirk and others?"

"A. Yes, sir; I heard of that.  
 "Q. Were you present at the meeting?  
 "A. No, sir.  
 "Q. Do you know who attended it?  
 "A. A number of citizens; I do not know who, though.  
 "Q. Was it a public meeting?  
 "A. Yes, sir; a public meeting.  
 "Q. An advertised meeting?  
 "A. I think so; I am not certain.  
 "Q. Was it largely attended?  
 "A. Moderately so, I think."

J. T. Swearingen, esq., a Democrat and a prominent leader in Washington County, testifies (pages 687, 688):

"By Senator TELLER:  
 "Q. Do you know anything about a subscription or the raising of money to defend these people who were indicted, charged with this offense, in the Federal court?  
 "A. I don't know about any money being raised. There was a cane presented to some of them.  
 "Q. Presented to whom?  
 "A. I think it was to Mr. Shepherd.  
 "Q. Was he an attorney?  
 "A. He came from Dallas, some distance from Austin; he had been raised in our county, and was a personal friend of some of the men indicted. He came from Dallas down to Austin and defended them. He is a lawyer of prominence and ability, and his time is valuable. A cane was presented to him by the defendants and their friends.  
 "Q. A gold-headed cane?  
 "A. Yes, sir.  
 "Q. How was the money raised for that; do you know?  
 "A. I think it was raised by contributions.  
 "Q. How were the contributions collected? Was there a public call for contributions?"

"A. No, sir; there was a public announcement of thanks for the attorneys. I think this contribution was just made by four or five of the boys putting in the money and going over to a jewelry store and ordering it. There was no subscription list.  
 "Q. Do you not know that there was money raised to defray the expenses of Judge Kirk and his associates and of the witnesses going down to Austin to this trial?"

"A. No, sir; I don't know it of my own knowledge.  
 "Q. Have you never heard of it?  
 "A. I think I have heard something about that.  
 "Q. Was it not a matter of common notoriety there?  
 "A. It may have been; I don't know about that. I confine myself to my office generally and do not know everything that is going on.  
 "Q. You did not participate in that?  
 "A. I did not. I do not think that any demand was ever made upon me or I would have done so.  
 "Q. You are pretty well satisfied, are you not, that there was a fund raised of some amount?"

"A. Not to call it a fund; there may have been some money raised to pay the expenses of witnesses to Austin; that is very probable; but I do not think anything like a fund to pay attorneys' fees or to pay expenses there."

"Q. How did you understand these attorneys were paid?  
 "A. I don't think they were paid at all.  
 "Q. Were they volunteer attorneys?  
 "A. I think so.

"Q. Ex-Governor Ireland was one attorney, I believe; what other attorneys appeared?"

"A. Mr. Seth Shepherd and Mr. Searcy, I suppose, were the defendants' attorneys in the case. There were quite a number of defendants in the case, and some of them may have retained other attorneys, and I think they did."

"Q. Were they all influential attorneys?  
 "A. Yes, sir."

The following extracts throw light on the public sentiment of Washington County, Texas, in regard to the subject of this investigation.

William Perry, a Democrat, testifies (page 439):

"Q. If the facts were as claimed by the negroes, what would you say about the killing of Bolton?"

"A. I say it would be unjustifiable either by whites or blacks.  
 "Q. You would not think it was right to defend a ballot-box with a pistol against a man who was taking it with a pistol?"

"A. I never saw any necessity for that.

"Q. But if the statement was true as the negroes claim? They claim that Bolton came in there with a pistol drawn and demanded the ballot-box at once, the first thing. Now, if that were true—you need not assume it was true—but if it was true, what would you say about his being killed? would you think it was a great outrage to kill a man under those circumstances?"

"A. Yes, sir; I should think it was.

"Q. Suppose it had been a negro coming in there and demanding the ballot-box under those circumstances?"

"A. I do not think they had any right to do it.

"Q. Would you surrender the box if you were in charge of it?"

"A. I think I would most surely surrender it before I would risk my life the way our politics are.

"Q. You would not think it was right to defend the box?"

"A. It might be wrong in one sense of the word; circumstances alter cases.

"Q. So even if you had known that the facts were as claimed, you would still have considered the killing of Bolton a great outrage?"

"A. Yes, sir; knowing all the facts about the matter I do consider it was a cold-blooded murder.

"Q. Without reference to what Bolton was doing or attempting to do?"

"A. Yes, sir.

"Q. If a man should break into your house in the night-time and present a pistol—

"A. Oh, that is a different circumstance.

"Q. But you would think you had a right to kill him, wouldn't you?"

"A. That is a different thing.

"Q. I want to see how high you hold the right of voting, or the franchise of vote.

"A. I think every man is entitled to his vote.

"Q. But that right to vote you do not regard as much in value as you would a silver dollar that you might have in your pocket?"

"A. I do not think they go together.

"Q. Which would justify you in killing the man who was trying to steal?"

"A. I do not think they go together; I think it is a different thing altogether."

Mr. Jodon testifies (page 640):

"In regard to Mr. Rouse and the conversation I had with him. It was in Julius McFarland's book-store in the presence of Jake Miller and others. We got to talking about the matter, and he was approving of the whole affair, and I asked him how he could do it, and he said, 'This is a white man's country, and they pay the taxes and ought to hold the offices.' I told him that was queer talk from an Englishman, for a man from a country where the laws were so strictly obeyed and carried out. He said it did not make any difference, that was his feeling. That is about all I have to state."

Mr. Rouse's testimony as to the conversation referred to above is as follows (page 545):

"Q. Do you know Mr. Jodon?"

"A. Yes, sir; I do.

"Q. Did you have a talk with him at Julius McFarland's book-store about the middle of December in the presence of John Scholl, Jack Miller, Mr. Allen, Captain Burt, and Julius McFarland?"

"A. Yes, sir; I recollect being there.

"Q. Did you say, in that conversation, to Mr. Jodon that you approved of the Democrats taking the offices, as you believed in a white man's government; that the white men paid the taxes of the county and ought to have the offices?"

"A. No, sir; I didn't say anything of the kind in that language.

"Q. Did you say anything of that kind in any language?"

"A. Yes, sir; I did.

"Q. What did you say?"

"A. I said that where there were ignorant colored voters and white taxpayers, I thought the white taxpayers ought to rule the country; that is what I said.

"Q. Are you an American citizen?"

"A. No, sir; I am an English citizen. I have lived twenty-seven years in this country; twenty-three years in the State of Texas, twenty years of which I have lived in the city of Brenham or in the county."

Judge Kirk testifies as follows in regard to the public meeting at Eldridge Hall, at which he offered resolutions expelling Hackworth, Moore, and others from the county (see pages 256, 257):

"By Mr. SPOONER:

"Q. You knew at the time this meeting was held that the ballot-box at Fie-

wellen had been stolen?

"A. No, sir.

"Q. You knew that it had been taken forcibly from the polls?"

"A. No, sir; I do not know it yet.

"Mr. EUSTIS. There has not been a particle of evidence of that.

"The WITNESS. I can tell you what my information was on the subject.

"Q. You knew that the polls had been raided?"

"A. I knew that Bolton had been killed, and so far as I could ascertain from all the information I could gather that they found next morning, when they went there and held an inquest, the ballot-boxes, ballots, and tally-sheets scattered all around.

"Q. You knew that at Graball the ballot-box had been taken?"

"A. Yes, sir; I knew that.

"Q. And the count interrupted?"

"A. I knew that after the count had progressed to about 221 votes the box was taken.

"Q. You knew that while the count was being made it was interrupted and the ballot-box taken?"

"A. I understood so.

"Q. You knew, too, that the men bearing the ballot-box from Lott's Store to the county seat had been stopped and the ballot-box taken from them?"

"A. Yes, sir.

"Q. Did it occur to you in this law-and-order speech of yours to condemn those performances?"

"A. Well, sir, I didn't say anything about it.

"Q. You confined yourself altogether to the character of the Republican canvass?"

"A. I alluded to that in my speech and to what I heard.

"Q. But you can not remember hearing any condemnation in that meeting of the outrages on the ballot-boxes?"

"A. The speeches most generally which were spoken there were advocating the observance of law—

"Q. Will you kindly answer my question?"

"A. I do not know that that was specifically mentioned.

"Q. Do you remember hearing any condemnation expressed of the assaults on Republican ballot-boxes?"

"A. I do not remember that I did.

"Q. Don't you remember that you did not?"

"A. My best recollection is that I did not hear that mentioned specifically."

CONDUCT OF COUNTY AFFAIRS BY THE REPUBLICAN PARTY PRIOR TO ELECTION OF 1884.

It was pressed upon the attention of the committee that the political issue in 1884 between the Republican ticket and the People's ticket was conducted upon the basis of an effort to change the political control of the county, because of incompetent and dishonest management of affairs by the Republicans and to relieve the credit of the county.

The county government has been in the control of the Republican party from the close of the war until 1884, when the People's ticket was elected.

The larger part of this time was during the impoverished and disordered condition not only of Washington County, but of the whole or greater part of Texas. Not until 1876 was the sale of lands for taxes allowed by law, and as Washington County was almost wholly a region of farms and farmers the finances of the county were not prosperous, the treasury not full, its revenues anticipated by the issue of scrip for expenditures, and, necessarily, at fluctuating and depressed rates.

Prior to 1884 the credit of the county had been brought up; necessary and permanent improvements, such as building the jail, constructing bridges, and improving roads, had been made.

The most reliable statements before the committee show that the county scrip in 1883-'84 sold at 85 to 90 and 95 per cent. The only contrast in this respect by displacing the Republican control shown by the testimony is that the scrip by 1885 or 1886 had risen to par.

There were also loose and general charges that defalcation had occurred during the broken state of things in the county while the Republicans had control, and that these incited the public mind to demand a change. Sifted, however, it was apparent that most of these charges were in the nature of political and electioneering clamor; that only two during the whole period were of substance enough to justify the imputation, and the cases were prosecuted either to conviction and punishment or acquittal. In neither case was the accused a colored person.

An extensive examination, and with liberal latitude of hearsay, was allowed by the committee on this head, although it could not be regarded as pertinent or valuable on the subject of the "raids" on the ballot-boxes, the slaying of Bolton, or the murder of the colored men. The committee call attention to a few passages from the testimony thought specific enough, in either aspect given to the topic, to justify their citation.

J. S. Moore testifies as follows (see page 527):

"Q. What was county scrip worth when you first went to that county?

"A. When I first went there it was in 1867 or 1868, pretty soon after the war, and I do not know whether there was any then or not.

"Q. Things were in a pretty badly demoralized condition, and the credit of that and other counties were pretty bad, was it not?

"A. Yes, sir; I do not think it had any credit about that time.

"Q. The counties were poor and just beginning to pick up after the war?

"A. Yes, sir.

"Q. During the Republican administration, from that time out, how was the credit of the county, constantly improving or otherwise?

"A. It gradually improved. When I commenced paying attention to it scrip was down to 40 or 50 cents on the dollar, and it gradually went up until in 1884, when it was sometimes at par and sometimes at a small discount.

"Q. Up to 1876 lands were not allowed to be sold for the non-payment of taxes?

"A. No, sir.

"Q. And the land-owners of that county did not pay their taxes to any considerable extent?

"A. A great many of them refused to pay their taxes, and there was no way of forcing them to do it.

"Q. And the county treasury was therefore not by any means plenteous of money?

"A. No, sir.

"Q. After 1876 machinery was adopted by the Legislature for collecting unpaid taxes?

"A. Yes, sir. The present constitution went into effect changing the tax laws.

"Q. And from that time the credit of the county improved?

"A. Yes, sir; because they could enforce the collection of taxes.

"Q. Were there any improvements made in the county under Republican administration?

"A. Yes, sir; they commenced then a new court-house and a jail.

"Q. How many defalcations were there by Republican office-holders?

"A. Only two that I know of.

"Q. There has been some talk here on the part of witnesses about the general stealing and waste by Republican office-holders?

"A. I do not remember but two cases, one the tax collector and the other the county treasurer.

"Q. Two in how many years?

"A. I do not remember but two having occurred during my residence there, which has been for nineteen years; that is all I can remember. There was something said about some school vouchers being forged within the last two or three years, but I don't know whether that amounts to a defalcation."

Lafayette Kirk, the Democratic judge, testifies as follows (see pages 278-280):

"Q. You referred to the fact that the credit of your county was low. Do you issue county orders or certificates there?

"A. Yes, sir.

"Q. What do you mean by the credit of the county; do you mean that they could not borrow money?

"A. Whenever a man does a piece of work for the county, under a contract or otherwise, he goes to the county clerk and scrip is issued, and goes to the treasurer and if there is any money it is paid.

"Q. When you say the credit is poor and sometimes ran from 25 to 75 cents on the dollar, you mean the price of the county scrip?

"A. I said it ran from 40 to 75 cents.

"Q. I beg pardon. You mean the price of the county scrip?

"A. Yes, sir; I mean the county scrip.

"By Mr. EUSTIS:

"Q. What is the scrip worth now?

"A. It is worth dollar per dollar.

"Q. How long has it been worth that?

"A. For about two years.

"By Mr. SPOONER:

"Q. When was it worth 40 cents?

"A. It has been several years since it was worth 40 cents.

"Q. Do you know any counties in Texas whose scrip sold higher than 40 cents immediately after the war?

"A. I do not know what it sold for.

"Q. The country was impoverished?

"A. At that time I was so young I did not know what the scrip sold for.

"Q. When do you remember any of the scrip to have sold at 40 cents in Washington County?

"A. I do not know that, except by general reputation and hearsay.

"Q. It is so long ago that you do not know anything about it yourself?

"A. I have not examined the records myself personally to see.

"Q. Then you do not know much about it, do you?

"A. I know that the county credit had varied from 40 to 75 cents on the dollar.

"Q. But when it was 40 cents you do not know?

"A. It was about ten years ago, I think, when it was down that low.

"Q. Did it constantly improve from that time on?

"A. It got some little better.

"Q. It went from 40, under Republican administration, up to 75?

"A. Yes, sir; about that.

"Q. No higher?

"A. I do not know.

"Q. If you do not know, why do you say it was 75?

"A. I say it varied from 40 to 75. A few years ago it might have got better.

"Q. Better than 75?

"A. It might; a little better than 75.

"Q. Did it, in fact, go up to 95?

"A. I do not think it ever did.

"Q. Did it go up to 90?

"A. I think, maybe, it got to 85 or 90 at times; it fluctuated.

"Q. It went from 40 under a Republican administration to 85 or 90?

"A. Yes, sir; that is so.

"Q. What was it when the honest administration went into power in 1884?

"A. The commissioners' courts have control of county affairs, and there had been some good men on the commissioners' court for several years.

"Q. Were they Democrats or Republicans?

"A. Republicans.

"Q. Is that possible?

"A. Yes, sir; quite possible.

"Q. So that the credit was pretty fair?

"A. It had been improving, sir.

"Q. How much has it improved since 1884?

"A. It is dollar for dollar now.

"Q. What was it then?

"A. There were some debts against the county then and there was no money in the treasury to pay off any of the scrip, but when the taxes were collected—

"Q. What would it sell for?

"A. It was worth about 90 cents on the dollar.

"Q. With no money in the county treasury?

"A. Yes, sir.

"Q. You call that pretty fair credit, do you not?

"A. Well, it had improved.

"Q. Under Republican administration?

"A. Yes, sir.

"Q. Then, when you said that the course of Republican administration had been one of malfeasance and defalcation in destroying the credit of the county you did not quite mean that, did you?

"A. I mean that exactly.

"Q. That is, in these two instances of defalcation?

"A. I mean it had been down low when there was no necessity for it. It ought to have been at par fifteen years ago. There were no public improvements, and with the taxes there should have been no debts of the county.

"Q. You do not mean to say that there were no public improvements?

"A. Well, very few.

"Q. Why did you say so?

"A. There was a jail built, that is the only thing I know of.

"Q. Were any bridges built?

"A. Yes, sir; a few.

"Q. What do you mean, then, when you say there were no public improvements?

"A. I mean to say there were not many; it amounted to nothing.

"Q. You say there was a jail built?

"A. Yes, sir.

"Q. When was that jail built?

"A. Some years ago; I do not know how many years."

John Ireland, ex-governor of Texas, testifies as follows (see pages 341-343):

"Q. I understood you to say something about the revenues of the county. Let us see; they had a Republican administration in that county from the reconstruction days down to two years ago, did they not?

"A. Until two or three years ago, or four years ago.

"Q. Well, down to 1884?

"A. Yes, sir.

"Q. Then for the first time a Democratic ticket was elected?

"A. A Democratic, or Conservative, or People's ticket I believe they call it.

"Q. I understood you to say that from the reconstruction days down to the election of this ticket in 1884 the revenues of that county had been wasted and stolen?

"A. I mentioned that as one of the items; yes, sir.

"Q. It is as to that item that I desire to interrogate you briefly. Will you be a little more specific, if you please, on that subject?

"A. I am not able to specify, not living in that neighborhood, but it is a matter of notoriety that their revenues were destroyed, wasted, and stolen, to the amount, in one case, I think of \$20,000 or \$25,000.

"Q. But the term during which the Republicans had the administration of affairs in that county was from the reconstruction days, as I understand it, down to 1884, a good many years. The general charge which I understood you to make against the Republican administration of the county is that during those years the revenues were wasted and stolen?

"A. No; I repeat to you that I only mention that as one item, and I did not intend to say that the revenues during the whole time had been wasted or stolen.

"Q. I understand that was one of the items, but that was your statement in connection with that item?

"A. Yes, sir.

"Q. Now I want to know what Republican officials during those years were found to have been defaulters?

"A. I am not able to mention them.

"Q. I do not care as to the names; I only want to know as to the office?

"A. I think it was a county treasurer, though I am not positive.

"Q. What other one?

"A. There was no other. I can not specify whether there were any sheriffs or collectors.

"Q. I want to ask you, then, to name the Republican county officials who, during the years of Republican administration in that county down to 1884, were found to have improperly used any of the public moneys?

"A. I repeat that I can not name them, because I only know that revenues were destroyed and wasted.

"Q. That is a pretty general indictment against the men who held those offices. I would like to have some specifications.

"A. A man not living there and not being personally interested could not specify, and I can not do it. I repeat to you that I can not do it.

"Q. Then you know nothing about it except that you have heard that the Republican county treasurer defaulted to the extent of twenty or twenty-five thousand dollars; is that true?

"A. Yes, sir; that is true.

"Q. And that is the only specific offense or the only instance which you can give upon which you base your assertion that the revenues were wasted and the moneys stolen, is it?

"A. Yes; that is the only instance which I can mention.

"Q. Do you consider that an adequate foundation for the broad charge you made, that during those years the revenues were wasted and the public moneys stolen?

"A. I repeat to you, Senator, that I did not intend to say that the revenues during those years were wasted and stolen. I intended to mention that as an item that occurred during those years.

"Q. Then all you mean to be understood as saying on that subject is that one county officer during those years was found to have been a defaulter to the extent of \$25,000?

"A. Yes, sir; that is all.



"Q. Then you do not mean to say at all, having reference to the current administration from year to year in that county, that they were found to have been dishonest or wasted the public moneys?"

"A. No, sir; I do not mean to say that."

"Q. Then you do not undertake to criticize from personal knowledge or in any specific way the methods which have been ordinarily resorted to by the Republicans of Washington County?"

"A. No, sir; I have no personal knowledge of the subject."

B. S. Rogers, the Democratic county attorney, testifies as follows (see page 553):

"Q. Excuse me for repeating the question, but how long do you say you have lived in the county?"

"A. I have lived in Washington County since 1866."

"Q. From the time of your advent into the county down to 1884 the general administration of the county had been Republican, had it not?"

"A. Yes, sir; so called."

"Q. Except now and then some individual candidate was elected to some office?"

"A. Yes, sir."

"Q. Do you know what the credit of the county was in 1884?"

"A. I think scrip was perhaps about 80 to 85 cents in 1884."

"Q. Some of the witnesses have put it at 90 to 95."

"A. Perhaps it was. I think I sold some at 80 to 85 cents."

"Q. About what was it when the Republicans took hold; what was it when you first knew about it in 1866?"

"A. I do not know that I could state what it was for that year; it ran down as low as 20 to 25 cents on the dollar under their administration."

"Q. When?"

"A. That was along in the seventies, I think."

"Q. Then it increased right along?"

"A. No, sir; there was very little increase."

"Q. There was a good deal of increase from 25 to 95 cents?"

"A. Yes, sir; but they did not run it then."

"Q. In 1884, before the People's ticket was elected, was it not 85 to 95?"

"A. I think it was about 85 when we went into office."

"Q. That came about under Republican administration?"

"A. I do not know that it did."

"Q. It was while the general administration of the county was Republican, was it not?"

"A. Well, there were two or three Democrats in office; there was a Democratic treasurer, a Democratic prosecuting attorney, and a Democratic county clerk."

"Q. But it reached 85, you think?"

"A. During all these years it ranged from 20 up to about 85 cents."

#### RUMORS OF POSSIBLE INSURRECTION IN SOME INDEFINITE REGIONS IS AN ELEMENT IN THE DISORDERS OF THE ELECTION OR ITS SEQUEL.

A favorable aspect was undertaken in the testimony to be given to the excesses in suppression of the suffrage, and in the violence which followed it, by imputing them to excitement, rage, and terror from rumors and fears of insurrection at some indefinite points in the county. The committee find no support of this suggestion as matter of fact, nor do they conceive that any such apprehension was felt in that direction at Brenham or elsewhere. The rumors seem to have been mere inventions to cover or palliate the outrages and to extinguish any tendency to reaction in favor of a just resentment against the law-breakers, and to anticipate any such movement.

Some extracts that seem most pertinent to this topic will dispel any notion that any honest suspicion ever excited fear in any one.

Florent D. Jodon, a prohibitionist, testifies as follows (see page 185):

"Q. There was talk there, was there not, of an anticipated negro insurrection?"

"A. Yes, sir."

"Q. Do you know whether or not there was any foundation for that?"

"A. None in the world. I have heard good Democrats and other parties talking about it and ridiculing the idea."

"Q. But threats were being made there against various leading Republicans?"

"A. Oh, yes, sir; they were so common that I did not even take upon my memory the names of those who made them."

"Q. Do you remember hearing any threats from the Republicans?"

"A. No, sir; none whatever."

S. A. Hackworth testifies as follows (see page 230):

"Q. There were rumors there, were there not, of alleged or pretended negro uprisings?"

"A. Yes, sir."

"Q. Was there, so far as you know, the slightest foundation for any such rumor?"

"A. No, sir; and no one else thought so. The Democrats knew it, and the whole matter was gotten up to keep up the spirit of mob violence every time the excitement would die down. I put about three thousand copies of this circular all over the county, and that began to create a favorable reaction in our behalf, and then they would get up a report of a negro insurrection. There was never any negro insurrection in the county. They knew the advice we had given the colored people. We had told the colored people repeatedly during the canvass that in the event a fight was brought on between the Republicans and the white Democrats, they were to leave immediately and go home and take no part in it, and let the white Republicans and Democrats fight it out among themselves. We did not want the colored men to be mixed up in any row. We knew that the moment a colored man killed a white man it would furnish a pretext to bring on a negro massacre."

"Q. Then there was no foundation for any such rumor?"

"A. No, sir; there was no more foundation for it than to suppose the negroes would create an insurrection here in Washington City; not a bit."

William H. Blount testifies as follows (see page 129):

"Q. You had been in office in that county before?"

"A. Yes, sir; I served as county commissioner for three years in the county."

"Q. During what years?"

"A. During 1883 and 1884."

"Q. Had you heard at any time about that election, or after it, of any threatened uprising among the negroes, the colored people, against the whites?"

"A. Yes, sir. It was rumored all over the country that the negroes were about to have an insurrection in the lower part of my precinct, down there in the Graball settlement, and I also heard one day, I forgot what time of the month it was, that it was reported about Brenham that I had organized about one hundred negroes with bayonets, and that we were coming to slaughter the white people. I heard that on the road going to Brenham, and if they had run across me they might have pulled me on a limb, and I dodged out of the way."

"Q. Was there the slightest foundation for those reports that the colored people were contemplating rising?"

"A. No, sir; I do not think they did."

"Q. Or were they contemplating running?"

"A. Yes, sir. The only rising was their going on their heels and getting in the thickets and gullies and out of the way, so far as I know."

O. B. Potter testifies as follows (see page 614):

"Mr. Jodon. Now, this negro uprising in Brenham, that has been spoken about, I will ask you in relation to. Did the people believe it was going to happen, or did they ridicule the idea?"

"The Witness. There was nobody who thought of any negro uprising there; in fact, it was very difficult to get a negro to stick his head out of his cabin. The negroes were so scared and badly frightened, all of them, that they were keeping very dark; nobody had any anticipation of any uprising that I ever heard of."

Lafayette Kirk, Democrat, testifies as follows (see pages 261, 262):

"Q. Was there any uprising or arming of the negroes?"

"A. It was generally so reported."

"Q. But I am talking about the fact."

"A. I never saw any uprising of the negroes."

"Q. And you do not know of any uprising of the negroes?"

"A. I do not know of any uprising."

"Q. And you do not know of any threats among the negroes of an uprising, do you?"

"A. No, sir; I do not."

Fricke testifies as follows (pages 158, 159):

"Q. There were rumors of a negro insurrection there?"

"A. Yes, sir."

"Q. Do you know of any foundation for any such reports?"

"A. No, sir."

"Q. There was a great excitement among the negroes, I suppose?"

"A. They all kept themselves mighty close in their houses; they were afraid to talk to anybody, so far as I could see and hear."

"Q. Did you hear of any threats being made by Republicans against anybody?"

"A. No, sir."

"Q. The threats came from the Democracy, did they?"

"A. Yes, sir; they did that."

"Q. Did you know of any Republicans, leading Republicans, creating or attempting to get up an excitement?"

"A. No, sir."

"Q. How about Democrats?"

"A. It was just the reverse."

Harry Haynes, Democrat, testifies as follows (see pages 410-418):

"Q. What expression of feeling was given by that meeting while they were in session; what was the character of the speeches, if there were any?"

"A. There were several speeches made which were distinguished for conservatism, the result of which was that we determined we had achieved the victory and would hold to it."

"Q. What evidence did you have that there were any persons organized in the county to prevent the lawful result of the election from being recognized and enforced?"

"A. Well, in some parts of the county I suppose they had ocular evidence of it, but in my section of the county we had nothing more than current rumor. We were connected by telegraph and telephone with other sections of the county, and through this medium of communication we had been informed that in the eastern part of the county these insurrections, riots, rebellions, or whatever you choose to term them, were being organized. I suppose in the eastern part of the county these things came under the observation of individuals, but in my part of the county we saw nothing of the sort, except that the town in which I live, a village situated 15 miles north of Brenham, was entirely deserted by the male colored population. It was a notorious fact that for twenty-four hours not a negro man was seen in the town, nor scarcely any who were able to go away at all."

"Q. At what point was that?"

"A. At Independence. The women were very closely housed, but the men had all gone, and we have never been able to find out just exactly where they went. The supposition with us was that they had gone to the eastern part of the county to join these mobs that were being organized. We have no positive evidence, however, to that end. There were usually a good many colored people in our town, but for twenty-four or thirty-six hours we did not see a colored man there at all, and that confirmed the rumors we had received that these mobs were being organized in different parts of the county."

"Q. You say there were very grave apprehensions in the community of a negro insurrection?"

"A. Yes, sir."

"Q. You have lived in Texas all your life?"

"A. Yes, sir."

"Q. And were living there during the war?"

"A. Yes, sir."

"Q. There were as many colored people probably in that section as now?"

"A. Yes, sir."

"Q. Was there any insurrection there during the war?"

"A. None that I heard of."

"Q. Did you ever hear of any negro insurrection anywhere in your section during the war?"

"A. I do not recall any just at this moment."

"Q. Do you recollect any which have occurred since the war?"

"A. Well, no, sir."

"Q. But you thought then that there must be an insurrection because the men were not there at home?"

"A. I think it argued in that direction."

J. M. Wesson (see pages 545-557):

"J. M. Wesson, having been duly sworn, was interrogated as follows:

"By Mr. Eustis:

"Q. What is your full name?"

"A. J. M. Wesson."

"Q. How old are you?"

"A. I am twenty-three years of age."

"Q. Where do you live?"

"A. In Navasota, Grimes County, Texas."

"Q. What is your business?"

"A. I am a lawyer by profession."

"Q. Are you in the militia?"

"A. Yes, sir; I am captain of a militia company there."

"Q. In November last were you and your company ordered to Graball?"

"A. Yes, sir."

"Q. By whom?"

"A. I received a telegram from Adjutant-General King."

"Q. Is he the adjutant-general of the State?"

"A. Yes, sir."

"Q. What was that telegram?

"A. I haven't the telegram with me, but as near as I remember it—  
"Mr. SPOONER. See if this was it; I guess it was:

"AUSTIN, TEX., November 8.

"Capt. J. M. WESSON, Navasota:

"Put your company under arms and report to J. H. Roberts, secretary of the citizens' meeting. Preserve the peace at all hazards.

"W. H. KING, Adjutant-General."

"The WITNESS. That is the telegram.

"Q. How many men did you take with you?

"A. Sixteen men of my company besides myself.

"Q. You went to Graball at once?

"A. Yes, sir; to Lott's Store, very near to Graball—a mile and a half on the other side of Graball.

"Q. When did you get there?

"A. I got there about half past 11 o'clock that night.

"Q. What day of the month was it?

"A. It was the 8th of November.

"Q. To whom did you report?

"A. When I arrived there I found some members of the citizens' committee. I did not go to Mr. Roberts's house; I sent some of my men there, though. We were distributed then among the houses of the citizens in the vicinity. I think three of the men went to one house, and they were distributed around in that way. There was no reporting done to any one that night, though I reported to Mr. Roberts next morning at a citizens' meeting held near Lott's Store.

"Q. You went there armed and equipped?

"A. We went as militiamen to preserve the peace.

"Q. What did you understand from Mr. Roberts or the citizens was the occasion of your going there?

"A. I understood that they had been alarmed by reports from the negroes in the vicinity; that they apprehended trouble with them.

"Q. What do you mean by trouble?

"A. They apprehended that their houses would be burned and that they would be attacked.

"Q. That the white people would be?

"A. Yes, sir; the white people—the white Democrats of the vicinity.

"Q. In other words, you understood there would be an uprising of the negroes in that locality?

"Mr. SPOONER. He is an intelligent man; let him tell.

"Q. I ask you if that is true?

"A. Yes; that is what they apprehended or what they seemed to apprehend.

"Q. And that is what you understood was the reason and occasion of your going there as the captain of a militia company?

"A. Yes, sir.

"Q. Ordered there by the adjutant-general of the State?

"A. Yes, sir.

"Q. How long did you remain there?

"A. We arrived there, as I said, about 11 o'clock on the night of the 8th, and we remained there all day on the 9th, leaving about sundown, and returning to Navasota.

"Q. You say you scattered your men around?

"A. I scattered them around that night for lodgings. As I say, next morning we all got together and remained together while we were in the county.

"Q. Where did you remain together, at what place?

"A. As I said, they had a meeting near Lott's Store, and we left Lott's Store and went to Flewellen, where the killing of Bolton had taken place.

"Q. How far is that from Lott's Store?

"A. I should judge it was about 4 miles. We got there about 10 or 11 o'clock the next morning and remained there several hours, and then returned home by a somewhat circuitous route; it was sundown before we got out of the county.

"Q. When you left everything appeared to be quiet?

"A. Yes, sir.

"Q. And you considered that you had fulfilled your orders?

"A. Yes, sir; I saw no further necessity for remaining.

"Q. Did you make any report to the adjutant-general?

"A. Yes, sir, in writing. I reported that I had gone to the country as directed and had returned, as I saw no further necessity for my staying there.

"By Mr. SPOONER:

"Q. You say that you reported that you had gone to the country?

"A. Yes, sir.

"Q. And did you report that you saw no occasion for your staying there?

"A. I reported that I saw no occasion for my remaining in the country any longer.

"Q. You say everything was peaceable and quiet when you left there?

"A. Yes, sir.

"Q. Was not everything quiet and peaceable when you arrived there?

"A. So far as I saw; beyond the alarm of the citizens I saw no demonstration of violence on the part of any one.

"Q. And nothing to warrant you in the supposition that such a thing had been thought of among the negroes, was there?

"A. No more than the testimony of the darkies, which I considered unworthy of belief entirely.

"Q. You went there from another county?

"A. Yes, sir.

"Q. It did not take you long to become satisfied that there was nothing in this apprehension of the people there?

"A. I can not say that I did come to the conclusion that there was nothing in it, but I felt satisfied there would be no more trouble; at least I thought there would be no more.

"Q. There had not been any trouble, had there?

"A. There had been these reports by the negroes.

"Q. That was not trouble?

"A. But it was sufficient to cause an apprehension of trouble.

"Q. But you were not satisfied that there would be no more reports; the presence of your company did not prevent reports being circulated?

"A. No, sir. What I mean is I consider that the display of force made by my company was sufficient.

"Q. How many men did you have?

"A. I had sixteen men under me, and I considered that display of force would be sufficient to prevent the darkies from making the attack, which I have no doubt they had talked about. Whether they seriously contemplated it or not I can not say.

"Q. You got there about what time?

"A. About 11 o'clock.

"Q. When did you leave?

"A. We got to Navasota about half-past 9 in the evening.

"Q. You had a pretty good time while you were there, did you not?

"The WITNESS. Do you mean in Washington County?

"Mr. SPOONER. Yes.

"A. No, sir; I can not say that we had any enjoyable time at all. It was raining, and we rode there through the rain.

"Q. Of course if the weather was not pleasant you did not. You did not have occasion to shoot anybody?

"A. No, sir; we never shot anybody.

"Q. Nor arrest anybody?

"A. No, sir.

"Q. Nor make any hostile demonstrations with your sixteen men to arrest anybody?

"A. No, sir."

J. H. Roberts, Democrat, testified as follows (see page 349):

"Q. State what you know about the sending of telegrams for troops.

"A. I have a telegram here that I sent off [producing the telegram].

"Q. You say there was a meeting held?

"A. Yes, sir; there was a meeting held.

"Q. Where was it held?

"A. It was held at the Baptist church, in the neighborhood.

"By Mr. TELLER:

"Q. Was it held at Graball?

"A. No, sir; not at Graball, but about 2 miles from Graball.

"By Mr. EUSTIS:

"Q. What was the meeting for?

"A. After the killing of Bolton out at this voting precinct of Flewellen the county was under a good deal of excitement, and there was a report came into the neighborhood there that the negroes—this was on Sunday, after the killing of Bolton. Bolton, you understand, was killed on the night after the election.

"Q. You mean he was killed on the night of the election?

"A. Yes, sir; he was killed on the night of the election, and on the next Sunday the negroes had preaching out there in the neighborhood, and they were so thoroughly stirred up and excited about the arrest of these parties, you know, that had been accused of killing Bolton that they would not go in the house to hear the preacher at all. They sat outside caucussing among themselves, and they made some threats and said if these negroes were not turned loose by Thursday that they intended to rise and release the negroes and massacre the white people. That was the news that was brought to the white people of the neighborhood. The news was brought in the neighborhood and a meeting of the people called. In that end of the county the negroes outnumbered us about six to one, and we were completely at their mercy, and held a meeting and decided on calling for help, and that was the origin of that dispatch.

"Q. Were you secretary of the meeting?

"A. Yes, sir; I was secretary of the meeting.

"Q. Is this the dispatch you sent [handing a dispatch to the witness]?

"A. Yes; that is the dispatch.

"Mr. EVARTS. That telegram had better go in evidence.

"The following is the telegram referred to:

"COURTNEY, November 8, 1885—5 p. m.

"To Sheriff:

"Send to Lott's Store, immediately, fifty armed men, on horseback. We apprehend an insurrection from the negroes.

"J. H. ROBERTS,

"Secretary Citizens' Meeting."

"By Mr. EUSTIS:

"Q. State whether your request for those troops was complied with by the sheriff.

"A. Yes, sir; it was. He came down with about sixteen or eighteen men."

Sheriff Dever, Democrat, testifies as follows (see pages 625, 626):

"Mr. JODON. From whom was the insurrection apprehended?

"The WITNESS. From the negroes.

"Mr. JODON. Within your knowledge as sheriff was there any basis whatever for supposing there would be an uprising of the negroes?

"The WITNESS. I really did not think so.

"Mr. JODON. Have you ever learned anything since which would make you believe it?

"The WITNESS. I did not apprehend any danger, except when I received that telegram and went down there. There are but few white people in that end of the county, and the women and children down there were terribly frightened. That was the cause of that meeting and the cause of that telegram being sent to me.

"Mr. JODON. Did you of your own knowledge, up to that time, know of any acts by negroes pointing to an insurrection, or have you ever learned since anything which show that they intended to rise?

"The WITNESS. No, sir; I do not know that I did.

"Mr. JODON. It is not acknowledged in Washington County that there was no ground whatever for the belief that the negroes would uprising in an insurrection?

"The WITNESS. Well, only those people being scared, and the day we went down there you could not see any of the negroes, or but very few.

"Mr. JODON. Don't you know from general report that the negroes were so scared that they had hidden out; don't you know that that has since developed as the reason they were absent, that they were too scared to come out?

"The WITNESS. I do not know what was the cause. They have come out since, and there is no trouble.

"Mr. JODON. Have you not heard that was the reason, that they were so badly scared that they did not dare to show themselves; haven't you heard that talked of?

"The WITNESS. Yes, sir."

D. Kirk, Democrat, testifies as follows (see pages 274, 275):

"By Mr. EUSTIS:

"Q. What were you going to say about Mr. Roberts?

"A. I was going to say that Mr. Roberts went down in that section of country known as the black belt, and he sent a telegram up there a few days after the killing of Bolton, stating that he believed there would be an uprising, and requesting the sheriff to come down there with a posse of armed men. As soon as that report was made known there the sheriff and others telephoned to Chapel Hill and Independence this report of this apprehended uprising, and the sheriff got a number of men from Brenham to go down there, and they did go, and perhaps a military company came.

"By Mr. SPOONER:

"Q. And he found there was nothing in it?

"A. He found there was no uprising.

"Q. Was it not generally understood that these men whom the sheriff met were going to Brenham to hang the negroes?

"A. There were conflicting reports about that.

"Q. What did the sheriff tell you about that?

"A. The sheriff told me that they reported to him and fell in with him.

"Q. What did they report about it?

"A. That they had received these telephone messages that were telephoned



from Brenham. I had telephoned myself both to Chapel Hill and to Independence, and also to Navasota. I think they met him half way between Brenham and Grabball.

"Q. Do you remember what you said in those telephone messages?

"A. I do not remember my exact language.

"Q. Do you remember what you said?

"A. No, sir; I do not remember.

"Q. State as near as you can recollect it.

"A. I just told them that there were wild rumors of uprising down there somewhere in that Grabball country.

"By Mr. EUSTIS:

"Q. Uprising by whom?

"A. By the negroes, and that the sheriff had gone down there, and telephoned some of them to go. I said I telephoned to Navasota, and I believe I responded to a telephone from there. They had heard of it from some source and asked about it, and I told them the best I could."

Fricke testifies as follows (see page 113):

"Q. What was your understanding as to the object and purpose of the meeting?

"A. My understanding of the purpose of the meeting was to see what was to be done with those Republicans—'scalawags' as they called them—who had been inciting insurrection and rebellion and all that kind of thing, as they claimed.

"Q. Had there been any insurrection or rebellion?

"A. Not that I know of.

"Q. Had there been any uprising among the negroes?

"A. Not that I know of.

"Q. Had there been any threatened uprising among the negroes?

"A. Not that I know of.

"Q. Had there been, to your knowledge, any violence, except the raiding of the ballot-boxes and the hanging of those colored men?

"A. None, except the shooting of Bolton.

"Q. He was one of the men who raided the ballot-box?

"A. Yes, sir; he was one of the men, I understand.

"Q. Was there any foundation, so far as you know, for the rumors as to an alleged negro uprising?

"A. I think they were manufactured by the Democrats for the purpose of creating a pretext for them to commit outrages on the Republican leaders of Washington County.

"Q. I say, was there, to your knowledge, any foundation for those rumors?

"A. Not the slightest, except the foundation created by the rumors themselves, which were circulated in the county by the Democrats for the purpose stated by me.

"Q. Do you know of any real movement on the part of the negroes to uprising against the whites?

"A. They had no disposition to do it, or cause to do it, or inclination to do it.

"Q. Do you know of their having been counseled by prominent Republicans to it?

"A. On the contrary, the Republicans had counseled them when they made contracts with the farmers, the land-owners, to stand up to their contracts and carry them out in good faith, but when they made a contract to sell the land-owner their labor or their produce to be careful not to sell them their vote; not to sell to the Democrats there the colored men's Republican vote; not to try to intimidate Democrats and require them to vote the Republican ticket, and, on the other hand, not to be induced, bought, or persuaded by Democrats to vote the Democratic ticket. That is about the kind of argument we used to them.

"Q. Was there any excitement at the time of the election in Brenham?

"A. Yes, sir; just after the election, and it continued until the time when I left there.

"Q. So far as you know, by whom, by what men, and for what purpose was that excitement brought about and stimulated?

"A. For the purpose of breaking up the Republican party and getting rid of the Republican leaders. It was brought about by Democrats circulating false reports and having false publications made in their organ, the Brenham Banner.

"Q. Reports of what; of the uprising on the part of the negroes?

"A. Yes, sir; and threats of violence.

"Q. There was an alleged apprehension of an uprising?

"A. It was a pretended apprehension of an uprising; but, as I understood it, they were merely circulating those reports in order to create a pretext to get excited themselves and to aid them in breaking up the Republican party and driving off its leaders.

"Q. What was the general sentiment there as to the ticket which had been elected in that county by the votes cast?

"A. The general impression was that the Republican ticket had been elected.

"Q. Was the talk at that time of contesting the election?

"A. Yes."

Carl Schutze testifies as follows (see page 206):

"Q. Were bullets shot into the car?

"A. I did not see any. I do not know whether the shots were fired into the car or not, but they were close up to it.

"Q. Was there any foundation whatever, so far as you know, for these rumors that were circulated of a negro uprising?

"A. No, sir.

"Q. Did you hear of any threats made by the Republicans, or were the threats that were made entirely confined to the Democrats?

"A. Yes; they were entirely confined to the Democrats."

S. A. Hackworth testifies as follows:

"By Mr. SPOONER:

"Q. Did you hear of any threats being made by Republicans?

"A. None at all.

"Q. White or black?

"A. No, sir.

"Q. Did you hear any propositions of insurrection from colored people?

"A. None in the world; no, sir.

"Q. Who circulated those reports of threatened and apprehended insurrection?

"A. All the news we got about it was from the Democrats.

"Q. Do you remember any prominent Democrats who were officious and active in creating excitement there, and perpetuating it?

"A. Yes, sir; I know of a good many who were.

"Q. Name some of them; who were they?

"A. Mr. C. C. Boyd is one that I would hear talking a good deal; and I heard of Mr. Tristram talking, and Mr. Leman talking.

"Q. How about Judge Kirk?

"A. I have heard of his talking, too, a great deal.

"Q. Then these rumors of apprehended violence from the negroes came from the Democrats?

"A. Yes, sir; altogether."

ALLEGED INCENDIARY SPEECHES AT REPUBLICAN MEETINGS DURING THE CANVASS.

Some color was sought to be given to the excitement in Washington County which followed the election by assigning as a contributory cause of the excesses which marked the election and its sequel the making of what were stigmatized

as incendiary speeches at Republican meetings, or at political gatherings of colored voters.

The committee allowed a wide range in the testimony in support and in refutation of these accusations. It seemed but fair that every opportunity should be given to present the canvass, as bearing upon this point, as accurately and intelligently as possible. The exploration of this subject has, the committee thinks, demonstrated that the accusations themselves were vague and mere hearsay; that the imputations, when reduced to any definite expressions, came to nothing more serious than the ordinary methods of political argument and persuasion; that the infusion into these arguments of any race prejudices or preferences in the canvass did not transcend the legitimate and natural scope of party zeal for candidates, and that any stimulant to passion and disorder was entirely absent from the canvass. As to any combination or incentive to accomplish any results by violence, the Republican speakers and the colored assemblages were entirely exonerated by the testimony from any such charges. A perusal of the following extracts from the testimony will, the committee submit, extinguish any impression that 'incendiary speeches' entered into the canvass, and will justify its conclusion that no substantial or reasonable support for such imputations ever had any basis in fact.

Lafayette Kirk, the Democratic judge, testifies as follows (see page 259):

"Q. You consider it a pretty serious thing not to allow a man, white or black, a citizen of the United States, to live where he chooses, do you not?

"A. Yes, sir; I do.

"Q. What had these men done that they should be driven from Washington County, and no longer permitted to live there in that community?

"A. I do not think any of them were driven from the county.

"Q. What had they done that they should be compelled to cease doing under penalty of exile?

"A. As I say, I considered their course and conduct in the canvass—

"Q. What course and what conduct?

"A. The character of speeches they made.

"Q. What character of speeches?

"A. Speeches calculated to arouse the prejudices and passions of the negroes.

"Q. In what way did they do that?

"A. By appeals to their prejudices and passions, and by lies and falsehoods.

"Q. The lies they were telling about you was the principal thing that aggravated you?

"A. It did provoke me a great deal.

"Q. Tell us some speech that any one of these men made, and what it was that caused their being put to that alternative to either stop making Republican speeches of that kind or leave the county?

"A. It was not so much the speeches they would make as the applause and countenance they would give to speeches made by negroes.

"Q. What have you in mind now?

"A. On one occasion there was a negro, a Republican canvasser, and in the course of his remarks he appealed to his colored friends, and he said, 'You can not eat with the white people, you can not sleep with the Democrats, you can not associate with them, and what do you want to vote for them for?' And these gentlemen, whenever they were present, when such expressions were made use of, would become convulsed with laughter and would applaud vociferously.

"Q. Your idea was that they must be prohibited from becoming convulsed with laughter when they found something to laugh at or leave the county?

"A. The reason that induced me to make the statement was—

"Q. I want to get at the offenses these men had committed. One you say is that they became convulsed with laughter when some negro said that they could not eat or sleep with Democrats. That negro did not lie much, did he?

"A. He was exactly right so far as that was concerned; but I do not think that was a Republican speech which ought to be made.

"Q. You do not hold the party or its leaders responsible for everything that a man would say?

"A. I do, when their laughter induces them to say it; when by their conduct and actions, by their applause or otherwise, they encourage it.

"Q. Who applauded?

"A. At this particular time one of the memorialists, Jim Moore, was present.

"Q. Did he laugh, snicker, snort, or what?

"A. He was very vociferous in his applause, indicating his approval of what the negro said.

"Q. The negro said that no negro could sleep with a white Democrat, and Mr. Moore applauded that, and you consider that a mortal offense, for which he should be compelled to leave the county?

"A. No, sir; I do not consider that so bad as some others.

"Q. What else?

"A. When I went into that meeting I had just been informed that Mr. Potter had said that he was in favor of going in with the negroes and resorting to the shotgun policy to enforce their rights.

"Q. Had Mr. Potter said anything?

"A. I had been so notified and informed, and acted on that information.

"Q. How long had you known Potter?

"A. Ever since I had been in town.

"Q. He is a pretty good neighbor, is he not?

"A. So far as I knew. I didn't know much about him except in this canvass.

"Q. He had been a pretty good neighbor, on general principles?

"A. He had, so far as I know. I had nothing to do with him, much.

"Q. Would you drive a man out of the county on what some fellow said, without making proper inquiry about it?

"A. I said, in the event he had said it in his speech.

"Q. Did you hear him say any such thing?

"A. Never.

"Q. Why did he recommend them to adopt the shotgun policy?

"A. To enforce their rights, I suppose.

"Q. That is, if the white Democrats raided the ballot-boxes that they ought to be shot?

"A. I do not know what he had in his mind.

"Q. Don't you think it would have been a good idea to have found out what he said before undertaking to punish him?

"A. I do. The gentleman who informed me said he was making statements of that character, that he was in favor of arming them.

"Q. That was after the election that he was so reported?

"A. Yes, sir.

"Q. Is it not true that you were told that Mr. Potter justified the shooting, when it was necessary, of men who raided the ballot-boxes?

"A. I was not told that; I was just told about a conversation in which he said he was in favor of arming the negroes and resorting to the shotgun policy.

"Q. Had not that rumor been traced up, and had not Mr. Potter made a denial of it?

"A. Not at that time, it had not.

"Q. What else was there; what other crime had these men committed?

"A. Some of them were notoriously bad characters there.

"Q. Bad in what way?

"A. They had no standing socially or otherwise.

"Q. What other specific offenses had these men committed in the campaign? One of them had laughed and applauded these colored men, and the other was reported to have said something that he denied saying. Now, what else was there of which you complain?

"A. They have detailed some of my social-equality speeches, and I will explain about that matter. In our district court there, all these men, I think every one of them, I can not remember which one, but they appealed to the negroes and said, 'There is Dever, the Democratic sheriff, who has divided the district court-room, and made the negroes sit on one side and the white people on the other; and you see how the white men treat you. There are no negroes on the jury; and they said the same thing about the county court. The fact was that Judge McFarland, who was the Republican district judge, had made the order, which I considered a proper one, but in order to meet these sort of appeals, which did arouse race prejudice in the negroes, I told them that no such thing had been done; that Dever did not divide the county court-room, but that Judge McFarland did divide it. And they would make the statement, all of them, that the negroes had no representative on the People's ticket as elected, and were not permitted to sit on juries, and that their wives, when they had business to transact at the court-room, were not treated with respect, but were allowed to stand in the cold and shiver, and that they could not get near the stove, all of which was absolutely false.

"Q. Who did you hear make such a speech as that?

"A. Mr. Hackworth, and a number of the negro speakers made similar speeches.

"Q. And in reply to that, you showed that the negroes all sat around with the white people in your court?

"A. I said in reply to that that Mr. Dever did not make any order dividing the county court room, and did not divide the district court room.

"Q. And that in your court there was no such division?

"A. Yes, sir; and I denied the charges that the negroes had no representation. That was calculated, I considered, to arouse the negroes and array them against the whites. They said they had no representation anywhere, and that they were not permitted to sit on juries, while the fact was that as many of them had sat on the jury under that administration as in any former administrations. I had examined the records to see what proportion of negro jurors we had.

"Q. Those are the incendiary speeches you refer to?

"A. Yes, sir; and those were some of the things stated at the public meetings that we held. They would try to prevent anybody going up, and Mr. Hackworth and Mr. Potter would make charges against me of a personal character, which were without any foundation in truth or in fact, and then they would try to prevail on their chairman of the meeting not to permit me to answer the charges or represent my candidacy or do anything of the kind.

"Q. They were not your meetings, were they?

"A. They were public meetings.

"Q. They were Republican meetings, were they not?

"A. No, sir; they were meetings generally.

"Q. Were they not meetings called by Republican speakers?

"A. They were called by negroes.

"Q. Were they not Republican meetings called by Republicans?

"A. Well, the majority of those who attended them were Republicans.

"Q. Were they not Republican meetings in contradistinction to Democratic meetings?

"A. I suppose you would call them that.

"Q. You know what a Republican meeting is, a meeting called by the Republican local organization?

"A. I will tell you how the meetings were gotten up. They would go out in the country in the evening, and they would get the negroes together and elect a chairman, and then they would address them, and they have done that during the last two canvasses.

"Q. What other crimes did these men commit that you thought worthy of punishment?

"A. No other than I know of.

"Q. You have given, then, the head and front of their offending, have you?

"A. I stated in the outset what caused me to make the statement I did in the citizens' meeting. If you want that repeated I can repeat it.

"Q. How is that?

"A. I say I can repeat what caused me to make the statement about their punishment, as I did in the citizens' meeting. I was never in favor of their being made to leave after that; after I found out that Mr. Potter disclaimed this statement I never said anything about his leaving or any of the rest of them leaving.

"Q. You remember pretty distinctly what was said in these various speeches made?

"A. I can remember some of the things.

"Q. You have a pretty good memory, have you not?

"A. Another thing; they would tell the negroes that they would be put back in bondage if the Democrats got back in power, and all that sort of folderol.

"Q. And tell them, I suppose, that Abe Lincoln was their friend, and that the Republican party had been their friend always?

"A. Yes; they did that.

"Q. Wasn't that incendiary?

"A. No, sir; I do not think so.

"Q. That is funny. What else do you remember?

"A. I remember the meetings they had in camp there near Brenham in what is called Camp Town, a portion of the town where the negroes resided. They had a number of meetings down there, and I had known on several occasions two or three negroes to go down there with shotguns and Winchester, and had endeavored, and successfully, to keep me—sometimes successfully—to keep me or anybody else from replying to their charges that Mr. Hackworth and his cohorts were making against me or men on our ticket.

"By Mr. TELLER:

"Q. They prevented you from addressing the Republican meetings; that is the plain English of it?

"A. Well, they were colored meetings.

"Q. They were Republican meetings, were they not; you know whether they were or not?

"A. They were called by Republican negroes.

"Q. They were called by Republicans, to have Republican speakers address them?

"A. Yes, sir.

"Q. And they declined to allow you to address them?

"A. Yes; and they declined to allow the Republican speakers to address them, if they wanted to defend any men not on the Republican ticket.

"By Mr. SPOONER:

"Q. That was nothing against you?

"A. No, sir; but I do not think they had any right to get up and make false charges and not allow me to disprove them.

"Q. That was not so much a matter of race or color as it was a matter between you and those men?

"A. They would try to get the negroes to prevent my speaking, and under their advice they would prevent it.

"Q. Who gave that advice?

"A. Mr. Hackworth.

"Q. Do you remember hearing Mr. Hackworth advise any meeting not to allow you to speak?

"A. Yes, sir; he tried to do that all through the canvass.

"Q. Where?

"A. At every meeting that was held in Camp Town.

"Q. You would come there and demand a hearing?

"A. I would.

"Q. Why didn't you call your own meeting after they had gone and have a Democratic meeting and speeches?

"A. Because I proposed to meet those very things.

"Q. Had you a right to force yourself on a Republican meeting against the will of the people present?

"A. I think I had a right to speak in any public meeting that was called for the discussion of the Republican candidates.

"Q. Do you understand that when a Republican meeting is called you have a right to go there and speak?

"A. If it was a strictly Republican meeting I do not know that I would. These meetings were called for the purpose of public discussion.

"Q. These meetings were not called for the purpose of public discussion in that sense, but for the purpose of hearing Republican speakers denounce the Democratic candidates.

"A. I was always invited to those meetings by the negroes; almost universally invited there by the negroes.

"Q. By Republican negroes?

"A. You do not find anything else but Republican negroes, or at least I haven't, down in our section.

"Q. But they can not always safely vote for the Republican ticket and have it counted.

"A. Well, they did say that at this last election.

"Q. Did Mr. Potter ask you at any point to stay at any meeting?

"A. I do not remember anything of the kind.

"Q. Did Mr. Hackworth tell you in advance of the charges he proposed to make against you in the campaign?

"A. No, sir.

"Q. You are sure of that?

"A. No, sir.

"Q. Did he before he made the speeches?

"A. No, sir; and the first I heard of them was on the stump.

"Q. Do you remember all that he said at any meeting on the stump?

"A. No, sir; I could not undertake to repeat any of his speeches.

"Q. Did you attend a Republican meeting at which you insisted that nobody should speak unless you were permitted to speak?

"A. I got up on the same stump he was on, and I told him if he made those charges and would not permit me to answer or reply to them, that the meeting would have to adjourn, even if I staid there a week.

"Q. Did it adjourn?

"A. He took the band away with him—

"Q. And the band carried all the meeting with it?

"A. No, sir; it left a considerable number of them there, and I staid there and addressed them—made a speech to them (page 286).

"Q. Before the election did you hear any incendiary speeches made by Republican orators?

"A. I heard such speeches as I considered rather incendiary.

"Q. You have given an account, I understand, of some of those you heard?

"A. Yes, sir.

"Q. And have said all that you care to say on that subject?

"A. About all that I could recall. I have given samples of them.

"Q. Were those the extremest or severest instances of incendiary speeches that you heard?

"A. They were about as severe, I believe. It was their practices as much as their—

"Q. I haven't asked you that. I ask you if you have given the severest instances of these incendiary speeches that you heard?

"A. I believe I have given those that I heard.

"TESTIMONY OF B. S. ROGERS.

"B. S. Rogers, having been duly sworn, was interrogated as follows:

"By Mr. EUSTIS:

"Q. What is your full name?

"A. Ben S. Rogers.

"Q. How old are you?

"A. I am thirty-five years old.

"Q. Where do you live?

"A. In Brenham, Tex.

"Q. How long have you lived there?

"A. I have lived in Brenham a little over two years, perhaps three years, but I have lived near there for about twenty years.

"Q. What is your occupation?

"A. I am a practicing lawyer.

"Q. Did you ever hold any office?

"A. Yes, sir; I am county attorney of Washington County at the present time.

"Q. How long have you held that office?

"A. Since 1884.

"Q. You were elected in 1884?

"A. Yes, sir.

"Q. And re-elected in 1886?

"A. Yes, sir.

"Q. Did you take an active part in the last canvass?

"A. Yes, sir.

"Q. Did you hear any of those speeches made by the Republican leaders?

"A. I heard a great many of them.

"Q. Were they what you would call incendiary speeches, some of them?

"A. I do not know that I would term them that. They made use of a great many expressions and declarations that had a tendency to discontent the negroes and make them dissatisfied with their condition.

"Q. I mean did you hear any appeals made to their prejudices as colored people or to their fears as ignorant people?

"A. Yes, their speeches had that tendency.

"Q. Go on and state what you recollect about it?

"A. I do not know that I could give what each or any of the speakers said particularly, except in a few instances perhaps. Some of the Republican speakers made use of the language that 'the Democrats won't let you eat with them, won't let you sleep with them, won't let you visit their families, or sit in their parlors, or converse with their daughters, and I do not see why you should vote for them,' and such expressions as that.

"Q. What else do you remember, if anything, showing the general character of their speeches?

"A. Well, they would go on and tell the negroes that the Democratic tariff was the cause of their situation, was the cause of their being poor, and the cause of their cotton being worth but 6 or 8 cents, and the cause of their getting a low price for the picking of the cotton, that it was occasioned by the tariff; also that the earthquakes we were having at Charleston at the time were visitations of Providence upon the Democratic party for their treatment of the negroes.



"Mr. SPOONER. That was a joke, wasn't it?"  
 "Colonel GIDDINGS. No, sir; it was not."

"Q. You have spoken about these incendiary speeches; you do not mean to characterize these as incendiary speeches, do you?"  
 "A. I do not know that that is the proper term for them."

"Q. Did they differ from the ordinary Republican speeches you had been in the habit of hearing for years, except as to the earthquake, part of it, which was new?"

"A. Yes, sir; I think they were a little worse than any I ever heard before."

"Q. What was there specially bad about them?"

"A. They presented such arguments as that to the negro, that the Democratic tariff was the cause of their situation."

"Q. Is that the worst thing, in your opinion?"

"A. Well, such as that."

"Q. Is that the worst thing, in your opinion, that was said by the speakers?"

"A. I do not know that it was."

"Q. It was as bad as anything, wasn't it?"

"A. Then, again, the speeches that were made by some of the negroes there that I spoke of a while ago."

"Q. I am talking about speeches made by white Republicans."

"A. They would say themselves the very meanest things that were said; they would generally put a negro up to it."

"Q. How do you know they put a negro up to it?"

"A. By the working of the machinery?"

"Q. Do you know of any white Republican advising any insurrection among the negroes?"

"A. No, sir; I do not of my own knowledge."

"Q. Or advising any violent or unlawful act among the negroes?"

"A. I do not of my own knowledge."

"Q. There was a little of that sort of talk among the Democrats, was there not, at the negro meetings?"

"A. I did not get the sense of your question."

"Q. What did you tell them at your meetings where you made speeches to these negroes; didn't you tell them about the beauties of free trade and all that sort of thing?"

"A. No, sir."

"Q. You defended the Democratic tariff, did you not?"

"A. No, sir; I did not."

"Q. What did you talk to them about?"

"A. I told the negroes that these men were lying to them and had been for twenty years, and I tried to prove it."

"Q. Did you hear Judge Kirk make any speech?"

"A. I heard him make several."

"Q. In which he told them that the Republican district judge, McFarland, divided off his court-room so as to have the negroes on one side and the white men on the other?"

"A. Yes, sir; I heard that."

"Q. And that the negroes who came into the county judge's court—that is, his court—were treated just like white people, and were not compelled to separate?"

"A. Yes, sir; I heard that."

"A. And that it was so in your office?"

"A. I do not know that he said that."

"Q. Didn't he say that the county judge's office and your office were always full of negroes, and that they were just as well treated as the whites?"

"A. He said something of that sort. I do not know that those were the words that he used."

"Q. But that was the idea?"

"A. The idea was that a negro was not prohibited from entering the court-house and receiving the same attention that his business demanded that a white man would (page 552)."

"Q. And the idea also was that a white Republican judge discriminated against the negroes and compelled them to separate from the whites, while the Democratic county judge and district attorney did not; that was the idea, was it not?"

"A. No, sir; I will tell you precisely how it came about. Mr. Hackworth and Mr. Moore got up and charged that there was a discrimination against the negroes; that they were not allowed to enter the court-room or the court-house, or take seats in the offices, or come behind the railings, and that they might have icicles on the skirts of their women and they would not be permitted to warm themselves at the stove, and so on; and he said that Dever, the sheriff, had discriminated against the negro. They were using it as an argument against him as a candidate then; that he had required the negroes to take one side of the court-house and the white people the other, and that they had contributed their taxes toward the building of the court-house and were entitled to sit where they pleased. Judge Kirk and myself, in defending Mr. Dever on that score, told them that Judge McFarland had drawn that line in the district court-room, and that Mr. Dever, who also waited on the county court-room, had not drawn the line there."

"Q. So that all there was in it on either side was this: That in a campaign, talking to colored men, the Republican speakers told them that they were discriminated against by the Democratic officers?"

"A. And we told them they were not."

"Q. And told them that they were discriminated against by the Republican officers?"

"A. Yes, sir."

"Q. That was six of one and half a dozen of the other in regard to incendiary, wasn't it?"

"A. I do not know that that would be considered incendiary."

"Q. You do not refer to that, then, as incendiary at all?"

"A. No, sir; those speeches were made every night for two months, those different speeches, and I paid very little attention to some of them, and some of them I listened to."

B. F. Robertson testifies as follows (see page 540):

"Q. At the time of the Eldridge Hall meeting there was very much excitement in Brenham?"

"A. Yes, sir."

"Q. And a very great prejudice against Mr. Potter, Mr. Hackworth, and those leading Republicans?"

"A. Yes, sir; I suppose there was some."

"Q. Would you consider a man who got up in such a meeting as that and said that it was reported that Mr. Moore had made negro equality speeches and that certain Republicans had advised the negroes to go armed at the polls and to shoot white men, as making an incendiary speech?"

"A. Well, if they were to get up—"

"Q. Answer my question."

"A. Well, yes; I suppose if a man would get up and make that kind of a speech."

"Q. You would consider that an incendiary speech, under the circumstances?"

"A. It might have been."

"Q. Do you mean to say that no such incendiary speech as that was made at the Eldridge Hall meeting?"

"A. I do. They said if thus and so was the case; if it was the case that

Potter was advising them to go and get their shotguns and take them to the polls—"

"Q. Was it not stated that that was the case?"

"A. It might have been; I think it was stated that it was the case."

"Q. On that theory, this proposition was made that they ought to be compelled to leave the country, wasn't it? Would you not call that an incendiary speech, with all the excitement and all the surroundings?"

"A. Yes, sir; but it was—"

"Q. But it was a Democratic incendiary speech, and that makes all the difference in the wide, wide world?"

"A. There is a heap of difference between that and a negro meeting."

"Mr. EUSTIS (to the witness). Don't you mean by an incendiary speech—"

"Mr. SPOONER. He means what he says. Give him a chance to be original; we have had more of your meaning than of his."

Lewis R. Bryan, esq., Democrat, testifies as follows (see page 569):

"By Mr. EVARTS:

"Q. Who circulated those stories that Republican orators had accused the Democratic party for the responsibility of earthquakes and the low price of cotton?"

"A. The candidates—"

"Q. I say who circulated those stories that the Republican orators had said these things about the earthquakes and the low price of cotton?"

"The WITNESS. Do you want the names of the individuals?"

"Mr. EVARTS. If you know, you can tell us."

"A. I say the candidates on the People's ticket and persons who would go—others also who would attend those negro meetings. They were just talked of as a joke, but I do not believe that it was just a joke, a thing of that kind, and they could not appreciate the effect of it."

"Q. Who were the men who circulated these stories that the Republican orators in the campaign accused the Democratic party of the responsibility for the earthquake at Charleston and the low price of cotton?"

"A. I do not understand."

"Mr. EVARTS. Read the question."

"The reporter read the question, as follows:

"Q. Who were the men who circulated these stories that the Republican orators in the campaign accused the Democratic party of the responsibility for the earthquake at Charleston and the low price of cotton?"

"A. I think I just answered it; that I got my information, of course, from men who were in sympathy with the People's ticket who had gone to these meetings."

"Q. Can you give the names of any persons?"

"A. Well, Mr. Rodgers, the candidate for county attorney."

"Q. He said these things?"

"A. Yes, sir."

"Q. Who else said these things, that the orators of the Republican party claimed so and so?"

"A. Judge Kirk, and it seems to me I have heard others say it, but I can not tell."

"Q. I do not want you to say anybody that you can not identify, but those you can say?"

"A. I think I can safely say that they did, because I have heard them talking about it; they were the most active."

"Q. The county attorney and the county judge were the persons who circulated those stories?"

"A. Yes, sir."

"Q. And they were on the People's ticket?"

"A. Yes, sir."

"Q. What effect did those stories thus circulated by Judge Kirk and the county attorney, Rodgers, have on the votes of your people down there?"

"A. I can not answer that."

"Q. Very well, if you can not, say so, and we will go on and do something else. I don't want to carry on a conversation with you."

"Mr. EUSTIS. If the witnesses were correctly understood, Judge Kirk and Mr. Rodgers testified that they had heard those speeches made."

"Mr. EVARTS. I am cross-examining him on his own views and not upon what has been said by other people. You can answer that."

"The WITNESS. As to the effect? No, sir; I can not. As to—"

"Q. Very well, that is enough. What effect did it have on your mind in regard to the election?"

"A. On my mind it had this effect: I just thought all that sort of talk was absurd and just showed the desperate efforts they were making—"

"Q. That who were making?"

"A. The Republican candidates—the candidates on the Republican ticket—the desperate efforts they were making to be elected when they would appeal in any such manner to an ignorant people who did not know any better; it had that effect on my mind."

"Q. Did you not think it was a desperate effort of Judge Kirk and County Attorney Rodgers to circulate such stories to affect the elections in their favor?"

"A. No, sir."

"Q. You did not?"

"A. No, sir; because I thought it was true."

"Q. It may be that you thought it was true, but you expected to get Democrats to vote for the People's ticket by that talk, did you not?"

"A. Well, yes, sir; of course, I suppose so; certainly; yes, sir."

W. W. Searcy, esq., chairman of the Democratic executive committee, testifies as follows (see page 396):

"Q. As to Mr. Moore, what are your objections to him?"

"A. The principal objection to Mr. Moore is the character of speeches that he is reputed to have made down there in canvassing."

"Q. That was in politics; public speeches?"

"A. Yes, sir; public speeches; talking to the negroes. I do not know anything about Mr. Moore personally at all."

"Q. And therefore whatever feeling prevails there against Mr. Moore is, so far as you know, because of his political demonstrations?"

"A. It was because of the character of speeches that he is reputed to have made there to the negroes."

"Q. In political campaigns?"

"A. Yes, sir; in political campaigns."

"Q. Did you ever hear one of those speeches?"

"A. I never did. I never went to one of those meetings in my life."

"Q. Did you ever hear anything from any speech he made?"

"A. Yes, sir; I have heard that he advised social equality and all that sort of thing to the negroes down in that county."

"Q. 'All that sort of thing?' How many sorts of things are there down there?"

"A. That means a good deal with our people."

"Q. You said 'all that sort of thing?'"

"A. Well, he advised them to act against the white people, and advised social equality."

"Q. Are those what are called incendiary speeches?"

"A. I judge so, sir. I never heard one of those speeches."

"Q. But you have heard in Democratic circles of the speeches of Republicans as being incendiary speeches?"

"A. There were a good many Republicans down there, and I have heard them talk about the character of these speeches they have heard these men make.

"Q. And called them incendiary?

"A. Yes, sir.

"Q. And you understand that incendiary speeches are speeches that advise social equality and the uniting of the blacks against the whites?

"A. Yes, sir; that is what I consider them to be.

"Q. Now, you spoke of this Mr. Moore as having urged in public debate the union of the colored people against the whites. In what way did he advise them to unite against the whites—in any way besides voting at the election?

"A. Well, as I stated before, he advised them that they ought to be permitted to go into white people's parlors, and to be permitted to dine with them, and to be permitted to marry white women, and all that sort of thing. That is what we mean by social equality down there.

"Q. That was ahead of my inquiry. You had two heads; one social equality, and the other the uniting of the colored people against the whites. My last question has nothing to do with the social-equality branch, but with this other branch.

"The WITNESS. Do you mean whether he advised them to vote against the white people down there?

"Mr. EVARTS. Yes, at the elections.

"A. Yes, sir; he did.

"Q. At the elections?

"A. Yes, sir.

"Q. Was there any white man's ticket down there?

"A. No, sir; I do not think there was any ticket designated by that name down there. The People's ticket was generally supposed to be the white men's ticket.

"Q. Mr. Moore did not get up a white man's ticket, did he?

"A. No, sir; I do not think he did.

"Q. All he did in this election was to urge the people to vote against the People's ticket, was it not?

"A. I did not hear his speeches, but that is what I understood.

"Q. And that is what you mean by uniting the colored people against the white people?

"A. Yes, sir.

"Q. To vote for their ticket as against the other ticket?

"A. Yes, sir."

S. A. Hackworth, Republican, testifies as follows (see page 231):

"Q. You made speeches there during the campaign?

"A. Yes, sir.

"Q. You addressed white audiences as well as colored audiences?

"A. Yes, sir; we had several mixed meetings.

"Q. Did you make any speech during that campaign which was calculated or intended to create any race excitement or prejudice among the negroes against the whites?

"A. No, sir; right to the contrary. All the speeches I made I think were calculated to bring about and keep up a spirit of good feeling between both races. I was as much interested as any white citizen in the county in seeing that done.

"Q. You did not make any speech that could be fairly called an incendiary speech?

"A. No, sir.

"Q. Or any speech other than the ordinary Republican speeches in behalf of your party?

"A. Judge Kirk may have called it an incendiary speech, because it was against him. We showed about the theft of the school fund and made it pretty plain that these stealings had occurred with his knowledge. That was about the most incendiary speech that we had made.

"Q. That is the first we have heard about that. What is there about that? Was it during Judge Kirk's administration?

"A. Yes, sir.

"Q. Is it possible? What was there of it?

"A. We got a certificate of the county treasurer. I do not know whether Mr. Hoffmann has it or not. We have the statement here. In the first place, Judge Kirk has charge of the free schools and issues vouchers to the school-teachers. These vouchers are signed by him and have his seal of office placed on them, and then the teacher can go and draw his money. There were several forged vouchers found out by the county treasurer. Forged vouchers had been drawn on the county treasurer and had been paid by him, and Judge Kirk's name was signed to those vouchers, and so well signed that even the county treasurer himself believed it was Judge Kirk's genuine signature. The strange feature was that these forged vouchers had the county seal on them. We showed this, because we had a certificate from the county treasurer, and I told Judge Kirk at several of our meetings about it. He complained of the attack I was going to make on him. I told Judge Kirk that I was going to charge him with the responsibility for the theft of money from the school fund, and that he should defend himself the best he could. We charged that all the way through the canvass, and it is published in Mr. Schutze's paper, and I believe that is another reason why Judge Kirk and his friends were determined he should not go out of office. I should not be surprised if there was quite a large amount of the school fund missing. I think there has a great deal of fraud gone on. But we only know that there was a lot of money stolen by forged vouchers.

"Q. How much altogether?

"A. Three or four hundred dollars; I think that was all that he could get hold of.

"By Mr. EVARTS:

"Q. That was the topic insisted on?

"A. Yes, sir; that was the only incendiary speech that was made. Judge Kirk got very angry several times, and I suppose he called it 'incendiary.' Well, during the whole canvass they had a certain lot of men—men who were charged with murder and were under indictment for murder—who went around with them, and those men were armed.

"By Mr. SPOONER:

"Q. Who do you mean?

"A. I mean Judge Kirk, Mr. Rogers, and the Democrats.

"Q. Were they at your meetings?

"A. Yes, sir; they were at all our meetings with armed men,

"Q. Attended your meetings, Republican meetings?

"A. Yes, sir; they would come to our meetings and demand a division of the time.

"Q. Who else beside Judge Kirk did that?

"A. Judge Kirk and Mr. Rogers were the leading men.

"Q. And these armed men with them?

"A. Yes, sir; these armed men were with them.

"Q. How many such men?

"A. I think they generally carried about six or seven with them.

"Q. How did you know they were armed?

"A. We saw the weapons.

"Q. Revolvers?

"A. Yes, sir; and six-shooters, some of them.

"Q. What sort of men were they?

"A. Some were white and some colored men; some were under indictment

for murder. Mr. John Traylor was one. He did not attend all the meetings, but he attended the meetings held at Chapel Hill precinct. He was under indictment for murder. A colored man named Sloan was under indictment for murder in Washington precinct, and they had another man under indictment for murder, Mr. John Ewing. These men were completely in their power, and were ready and willing to do their bidding. At one of the meetings at Cedar Hill one of our men drew a pistol on them, and it broke up the meeting. There were a lot of Germans in the meeting, and they withdrew from the meeting and waited until Judge Kirk went away, and we called a meeting, after they had gone, outside of the house, and I made my talk to them there. And at Chapel Hill on another occasion I was informed that pistols were drawn on me while I was on the stand, and I know I was cursed by their bulldozers.

"Q. You mean to say, then, there was something of intimidation among the Democratic leaders prior to election day?

"A. Yes, sir.

"Q. At Republican meetings?

"A. Yes, sir.

"Q. Did you divide the time with Judge Kirk at any of those meetings?

"A. Yes, sir; we had it to do.

"Q. That was compulsory?

"A. Yes, sir.

"Q. It was demanded?

"A. Yes, sir.

"Q. Did you make any of what are called negro-equality speeches?

"A. No, sir.

"Q. Did you hear any speeches of that kind made?

"A. No, sir; there were none made by any of the Republicans. The nearest social-equality speech that I heard was made by Judge Kirk and Mr. Rogers. They denounced Judge McFarland for dividing the races in his court-room. Judge Kirk boasted that in his court-room the whites and blacks all mixed up together, and there was no difference made between the races. He boasted that in all his speeches, or words to that effect. That was the nearest to a social-equality speech that I heard during the canvass, and I stated that openly in my circular of the 10th.

"Q. The statements in that circular are true, so far as you know?

"A. Yes, sir; so far as I know they are true.

"Q. Was there any contest for the election?

"A. No, sir; there was no chance of it; the danger was too great.

"Q. But there was none, was there?

"A. No, sir; there was none.

"Q. Why not?

"A. Because of the hanging of these three colored men and the running off of Republicans, and large numbers of colored people left the county that we would have had to use as witnesses. You understand that when a ballot-box is destroyed the only way we can prove how the vote is voted is to summon the voters. There are three or four hundred voters, colored, who have been run out of the county, and some of the white Republicans, and there was no way to contest it; they were afraid to contest it; it would be useless to attempt it."

Joseph Hoffmann, Republican, testifies as follows (see page 136):

"Q. Something has been said about incendiary speeches being made by the Republican campaigners and leaders. Did you hear any incendiary speech from anybody?

"A. I have been one of the Republicans who have been in every canvass in the last eight years, you may say, and I never have heard any Republican make an incendiary speech or a social-equality speech. I have heard Mr. Hackworth and others advise them to keep their contracts with the white folks, but he told them, 'when you make such contracts carry them out, but don't sell your vote with the contract.'

"Q. Was that called an incendiary speech?

"A. I should not think so, sir.

"Q. Now, they talk about incendiary speeches down there. What do the Democrats mean by an incendiary speech made by a Republican?

"A. Well, my idea of what they would mean by an incendiary speech would be to tell the people, I reckon, to get up and kill one another; that is what I would call incendiary.

"Q. But what do these Democrats mean when they say that you, this, or that man makes an incendiary speech; what do they mean? What sort of a speech have they made?

"A. Maybe it is because they made Republican speeches.

"Q. And that is all?

"A. That is all I know of.

"Q. And advised the colored voters to cast their votes as they pleased?

"A. Yes, sir.

"Q. And have them counted if they could?

"A. That is my idea of it. I know that after we were charged with having made incendiary speeches, while Mr. Hackworth and Mr. Moore were in Brenham, that we published a card in the Brenham Banner—I paid Mr. Rankin \$3 to insert that card—stating that it had been asserted that we had made incendiary and social-equality speeches, and we denied the charges openly in their own newspaper, and it has never been contradicted by them.

"Q. You know Mr. Schutze well, I suppose?

"A. Yes, sir; I believe I know him better than anybody.

"Q. He was the editor of the paper at Brenham?

"A. Yes, sir.

"Q. What was the name of his paper?

"A. The Texas Staats Zeitung.

"Q. That was a paper which circulated in that neighborhood among the Germans?

"A. Yes, sir; generally in Washington County. Some few numbers of it went to Austin and Fayette Counties, the neighboring counties.

"Q. It was the only German paper, I suppose?

"A. No, sir; there was another German paper published there.

"Q. What was the name of that?

"A. That was the Texas Volksblatter.

"Q. Was that a Democratic paper?

"A. The editor used to claim to be a Republican, but during the last two canvasses he has always taken the Democratic side, as far as I have seen, in county affairs.

"Q. It was a German paper, published in the German tongue, and patronized by Germans, both of these papers you have spoken of were?

"A. Yes, sir.

"Q. Did Mr. Schutze make any speeches during this campaign last November?

"A. Mr. Schutze never made a public speech except one time, and that was when he came to Burton, to my house, and I do not believe any of the gentlemen knew of that. I took him out to my brother-in-law's, and there was a little gathering there, a friendly gathering of a few people, and he made a little talk in German, and he and I were the only candidates there. It was in a private house; it was no meeting.

"Q. And his remarks were made in the German tongue?

"A. Yes, sir; he spoke in German.

"Q. The negroes there do not understand German, do they?

"A. A few of them understand it.



"Q. How does that happen?  
 "A. They pick it up just as the Americans do. We have Americans there who talk as good German as I can.  
 "Q. Was there anything incendiary in that speech?  
 "A. No, sir; there was not. I do not believe it was known that he ever made such a speech except to the few persons present and myself.  
 "Q. Look at this paper, and see if this is the card that you refer to as having been published [handing a newspaper extract to the witness].  
 "A. Yes, sir; that is the card.  
 "Mr. EVARTS. I will read it:

"To the people of Washington County:

"We, the undersigned Republicans, hereby declare that during the entire canvass just closed we did not make, nor did we hear any Republicans make, any incendiary or social-equality speeches, nor have any of us, either directly or indirectly, advised or counseled colored people to arm themselves or commit any acts of violence. These and other charges are made against us to divert public attention from certain political acts of our adversaries, and we respectfully but earnestly ask a suspension of public judgment until we can be fully and fairly heard in regard to all matters complained of against us.

"C. C. BRYAN.  
 "J. L. MOORE.  
 "W. M. EHLERT.  
 "JOE HOFMANN.  
 "S. A. HACKWORTH.  
 "PAUL FRICKE.  
 "O. B. POTTER.  
 "CARL SCHUTZE."

"By Mr. EVARTS:

"Q. Is this a true statement which you made and signed here?  
 "A. Yes, sir; that is true.  
 "Q. Who drew this paper?  
 "A. I believe it was either Mr. Hackworth or Mr. Schutze who drew it.  
 "Q. One or the other of those gentlemen?  
 "A. Yes, sir.  
 "Q. And you all agreed to that, and had it published?  
 "A. Yes, sir; I took it to the printing office myself, and paid for it, and had it printed.  
 "Q. How long did the excitement on one side against you Republicans, and your fear, continue?  
 "A. It continued a long time, even through the month of December, mostly because my house, as I have stated before, was guarded every night, and I was afraid and did not commence my work of assessing. I generally start right after New Year's, and commence assessing in the city of Brenham first; but I did not commence there this year until the 15th of January.  
 "Q. Why did you delay so long?  
 "A. The reason I delayed was, I was afraid to commence assessing right after the excitement, after I had left home. I could hear nothing from Brenham. I was at Burton, only 13 or 14 miles off, but I could hear nothing.  
 "Q. What effect did this excitement or movement produce upon the colored people out there?  
 "A. They were afraid, and a great many of them have left the county to my personal knowledge.  
 "Q. Where have they gone?  
 "A. They have gone to Brazoria, to Wharton, to Matagorda, and Fort Bend, and some of them have moved into Burleson and Lee Counties, that I know of.  
 "Q. How many Republicans have removed?  
 "A. The only ones that I can say have removed, although I know some of them ran off, or that they were made to leave—  
 "Q. Who were those?  
 "A. There were five of them that I heard of.  
 "Q. Who were they?  
 "A. Ed. L. Lockett (but he was not made to leave), Mr. Schutze, Mr. Hackworth, and J. L. Moore. Ed. Lockett and Mr. Gilder they left, I believe, the second day after the election, before that meeting at Eldridge Hall. The reason I know that is that he came and borrowed my six-shooter, and he left that day. He said he was afraid there, there was so much excitement. They accused him and Lockett of having armed those negroes down there at Flewellen's, and he was afraid he would get hung, and he left; and Ed. Lockett, I believe, staid a day or two longer, then he left, and I have not heard from or seen him since.  
 "Q. Do you know where he went?  
 "A. I do not know, sir.  
 "Q. And these other gentlemen who left, Hackworth, Moore, and Schutze?  
 "A. They staid there quite a while yet before they left.  
 "Q. Had they property?  
 "A. Yes, sir (page 604).  
 "Mr. EVARTS. I want to put into the record the card of Mr. Potter as published in the Brenham Banner of November 5, 1886.  
 "The card referred to is as follows:

"[From the Brenham Daily Banner, Brenham, Tex., Friday morning, November 5, 1886.]

"To the public:

"Whoever says that I have, either directly or indirectly, advised the colored people to arm themselves, etc., lies willfully and maliciously. Myself and all others who are Republicans have advised the colored people just to the contrary, and have assured them that the conservative element of the white people would not permit any unlawful acts or violence to be performed upon them. The colored people, relying upon our assurances, apprehend no danger, nor are they armed.

"O. B. POTTER."

"Mr. EVARTS. It is conceded, I believe, that the Brenham Banner is a paper issued early in the morning?

"Mr. JODON. Yes, sir; it is published at night and is carried around early in the morning."

A. G. Scott, colored, who voted the People's ticket, testifies as follows (see page 71):

"Q. Do you remember when an indignation meeting was held at Brenham by the Democrats?

"A. I take the Brenham Banner, and I saw in the Banner that on the Friday, I believe it was, if I mistake not, after the shooting of young Dewees Bolton, that Colonel Giddings, I think, called a meeting of the Democrats of the county, and in that meeting they appointed three committees of each precinct, and in my precinct, Chapel Hill, M. Felder was appointed, and—

"Q. What were those committees appointed for?  
 "A. I do not just remember. I think the Banner said they were appointed to take under consideration the grievances of the people or to consider peace. There was great disturbance in the country there.

"Q. Who was the committee for your precinct that you were about to name?  
 "A. Mr. Miles Felder, Mr. Darce, and Mr. Rouse, I think, were the three from my precinct.

"Q. Who was the first man you named?

"A. Mr. Miles Felder. He is a white man there.

"Q. A Democrat?

"A. Yes, sir; I suppose so; yes, he told me so.

"Q. Is he a prominent man?

"A. Yes, sir; he is a leading man with us down there.

"Q. Did you have any talk with him about that meeting and what they had done and were to do?

"A. Yes, sir; I did.

"Q. What was it?

"A. The people was in such disturbance that numbers were not coming to church.

"Q. When you say 'the people' you mean the colored people, members of your congregation?

"A. Yes, sir; the colored people were not coming to church, and I had a committee of members of my church on church matters, and on that committee was one man named Henry Creecy, and it was to meet one night and did not meet. Mr. Busby came over the next day and told me that Creecy thought all the Knoxson Hill colored people had orders to leave, and for that reason he feared to come out at night, and I went over the next morning there to ask him about it.

"Q. Who was Creecy?

"A. He was steward of my church, a colored man. He said that Mr. Huggins and another white man had been there the evening before and had ordered him and all the colored people on that hill of the Knoxson family to leave there, and that was the occasion of the meeting they had held. I told Creecy I did not believe it, and that I would go and see Mr. Felder about it. I saw in the Banner that he was the leading man in that precinct, and I went over there and saw Mr. Felder and Mr. Glass, the justice of the peace, and had a conversation with them about it.

"Q. What did they say about it?

"A. After I called the name of Creecy and five or six colored men who told me they understood they had to move, Felder told me that it was not so, and he told me to tell Henry Creecy (which I did tell him in my pulpit, and several others) that they were just as safe there as he (Felder) was, and that they need not leave; that they were not after the colored people, except old man Knoxson; that he had acted with the leading white men who had made incendiary speeches.

"Q. Who did they say they were after?

"A. They said it was just for old man Knoxson. That they were not after the colored people, but after the leading men who had made incendiary speeches.

"Q. Who did they name?

"A. They said it was brought about by Gilder and Ed. Lockett; that they advised the colored people on the night Dewees Bolton was killed to go armed; and old man Potter and Steve Hackworth and that crowd; he named some five or six leading speakers that made incendiary speeches; he said those were the ones they were after.

"Q. You have named Mr. Hackworth and Knoxson?

"A. Yes, sir; those are the names they called to me.

"Q. Give me as many as you can of the names of the men that he named as the men they were after.

"A. He only called Mr. Ed. Lockett and Mr. Gilder.

"Q. White men?

"A. Yes, sir; white men.

"Q. Republicans?

"A. Yes, sir; they say so.

"Q. Who else?

"A. Mr. Hackworth and O. B. Potter and J. L. Moore. They had spoken on Saturday before and said some rough words.

"Q. They mentioned J. L. Moore, did they?

"A. Yes, sir.

"Q. Did he mention Schutze among the rest?

"A. I do not remember whether he mentioned Schutze or not.

"Q. What was it he said about those men?

"A. He said they made incendiary speeches; and went on to say that the administration of these Republican carpet-baggers had been very bad; that they had robbed the county, so that good citizens on the People's ticket, many of them, were tired of them; and I told them that when I voted I voted for the good men; that I had voted for Judge Kirk for county clerk, and for Mr. Lewis.

"Q. What did they say they were going to do about the carpet-baggers?  
 "A. He did not say, only that they were the ones that seemed to have the spirit against which the meeting was held. He did not tell me what they were going to do. He said those were the ones they were after; that they were not after the colored people, and they would not trouble them.

"Q. Were Mr. Felder and Mr. Glass both present at that conversation?

"A. Yes, sir. Mr. Glass was the justice of the peace. We were sitting in the doctor's shop by the post-office."

#### CONCLUSIONS.

The committee has extended its examination into the political transactions in Washington County over the widest range asked for either by the petitioners or by the inculpated parties. It has embraced in its inquiries every topic bearing upon the state of feeling prevalent in any portion of that population, or entering into the rivalries and competitions which animated the political contest out of which arose these outrages upon the freedom of election, upon the peace and order of society, upon the personal safety and immunities in their homes of the brave and unflinching defenders, against whatever odds, of the essential and universal principles of constitutional, legal, and individual liberty which are the common right, all over the land, of citizens of the United States.

This extensive survey and patient investigation the committee has thought justified by its conviction that the actual case presented not unfairly the features that illustrate the political disorders which afflict portions of our country where the population is at all nearly divided between white and colored citizens. These disorders do not alone disturb and threaten the good fame and security of the neighborhoods where they occur, nor of the States within whose borders these disastrous mischiefs pass unchecked, unredressed, and uncondemned. They tend to weaken and set back the sincere desire of the country at large to obliterate all distinctions, as between geographical or political divisions, in the prevalence of just ice, peace, good-will, and equality of right in discussing and solving all the problems which affect the welfare of this great people.

While, in the opinion of the committee, the state of feeling in these communities is not ripe to receive just and permanent impressions from investigations such as have been conducted by the Senate, it can not but expect considerable benefit, in the country at large, from a dispassionate and responsible exhibition of the true and the principal traits of this transaction. The moral, social, and political bearings of such a condition of things, as is displayed upon the evidence taken by the committee, upon the community in which it exists address themselves to the calm judgment of thoughtful and patriotic minds in these populations. Not less do they engage the earnest attention of the great body of the American people, which are removed from the environment in which these occurrences take place.

It can not be expected that these incidents, when looked at from opposite points of view, will make the same impression or lead to the same conclusion in all parts of the country or upon all political parties. But concurrence as to the facts is the first step and a great step towards a conciliation of views and an appreciation of the influences which obstruct a concurrence of judgments.

Besides, no greater element for the formation of a sound public opinion can be suggested than that a wider and wider spread should be given to a knowledge of and an interest in the real nature of this and similar proceedings wherever they may occur. Brought into the light where "a thousand intelligences may burn upon it," the truth will surely force these evils and dangers, anywhere in this country, and their consequences upon the conscience and the responsibility of the whole people.

The statutes of the United States have treated with circumspection and vigor the difficult province of regulating Federal elections where the constitutional rights of voters are not acceptable to the general sense and interests of the communities as they understand them. These regulations, however, depend, like all other laws, for their efficacy upon the zeal, activity, intelligence, and persistence of their execution. With all these the executive department of the Government is wholly charged under the Constitution. The selection and supervision of all subordinate offices throws upon the Chief Magistrate, the President, the responsibility of seeing that the whole weight of Government is to be thrown in the protection of the elective franchise and the punishment of all violators of the laws that have been passed to guard it. Beyond this every just, every possible authority and influence that attend upon official station should show themselves in every neighborhood as a "terror to evil-doers and a praise to them that do well." Many miscarriages, many shortcomings in reaching complete success in these efforts of the executive government may be looked upon by the people of the country with an indulgent temper. But the absence of such efforts, or a languid prosecution of them, will not long be tolerated by public opinion or left unvisited by political condemnation.

The committee recommends the careful revision of the existing laws regulating elections of members of Congress, and an examination of the proposed legislation pertinent to the same subjects, which have been proposed in Congress, with the view of providing for a more complete protection of the exercise of the elective franchise by act of Congress, and more efficient provisions for the punishment of offenses against it.

They therefore propose for adoption by the Senate the following resolution: Resolved, That the Committee on Privileges and Elections be directed carefully to revise the existing laws regulating elections of members of Congress with a view of providing for a more complete protection of the exercise of the elective franchise, and for the punishment of offenses against it, and to report to the next legislative session of the Senate by bill or otherwise.

Mr. COKE obtained the floor.

Mr. HARRIS. I ask the Senator from Texas if he will yield to a motion to proceed to the consideration of executive business?

Mr. COKE. Yes, sir.

Mr. SAWYER. Before doing that I ask the Senator to yield to me to present a conference report.

Mr. HARRIS. I will yield for that purpose, the Senator from Texas having yielded to me.

THOMAS WYNNE.

Mr. SAWYER. I submit a conference report and ask that it may be considered at this time.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3116) granting an increase of pension to Thomas Wynne having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the part proposed to be inserted in the amendment of the House, insert "of \$35 a month in lieu of the pension he is now receiving;" and the House agree to the same.

PHILETUS SAWYER,  
C. K. DAVIS,  
D. TURPIE,

Managers on the part of the Senate.

EDWARD LANE,  
CARLOS FRENCH,  
E. N. MORRILL,

Managers on the part of the House.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the conference report the question is on concurring in the same.

The report was concurred in.

#### EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate do now adjourn.

Mr. HARRIS. I hope the Senator from Massachusetts will allow us to have a brief executive session.

Mr. HOAR. I doubt whether there will be Senators enough in attendance on such a session to transact any business of importance.

Mr. HARRIS. I chance to know the fact that there are several Senators in committee-rooms attending to committee duties who will come here when their presence is necessary.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate do now adjourn. [Putting the question.] The ayes appear to have it.

Mr. HARRIS. I am inclined to call for the yeas and nays.

Mr. SHERMAN. We have not a quorum here.

Mr. HARRIS. We have a quorum in the building that can be obtained in a few moments.

Mr. HOAR. I withdraw my motion.

Mr. HARRIS. Then I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. EVARTS. Will the Senator from Tennessee allow me to ask whether my request that the report of the Committee on Privileges and Elections be printed in the RECORD was agreed to?

The PRESIDENT *pro tempore*. It was so ordered. The question is on the motion of the Senator from Tennessee.

Mr. HOAR. I call for a division on the motion.

The question being put, the ayes were 14.

Mr. HOAR. I will withdraw the call for a division if there is no objection. The Senator from Tennessee undoubtedly would not make the motion unless he had some good reason for it.

Mr. HARRIS. I shall not seek to transact any business unless there is a quorum here.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and eleven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 14, 1889, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate the 13th day of February, 1889.*

##### INDIAN INSPECTOR.

Eugene E. White, of Prescott, Ark., to be an Indian inspector, *vice* Eli D. Bannister, resigned.

##### POSTMASTER.

Sam M. Adams, to be postmaster at Troy, in the county of Pike and State of Alabama, in the place of Stephen A. Pilley, whose commission expired January 22, 1889.

##### PROMOTIONS IN THE ARMY.

Lieut. Col. Edward M. Heyl, inspector-general, to be inspector-general with the rank of colonel, February 12, 1889, *vice* Breckinridge, appointed Inspector-General with the rank of brigadier-general.

Maj. Henry W. Lawton, inspector-general, to be inspector-general with the rank of lieutenant-colonel, February 12, 1889, *vice* Heyl, promoted.

Capt. Joseph P. Sanger, First Artillery, to be inspector-general with the rank of major, February 12, 1889, *vice* Lawton, nominated for promotion.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 13, 1889.*

##### POSTMASTERS.

John T. McAeney, to be postmaster at Lisbon, Ransom County, Dakota.

Willard N. Meyer, to be postmaster at Leoti, Wichita County, Kansas.

Isaac Conner, to be postmaster at Ponca, Dixon County, Nebraska.

William J. Brennan, to be postmaster at Sidney, Cheyenne County, Nebraska.

Charles S. Harvey, to be postmaster at Hudson, Columbia County, New York.

Mrs. Cora E. Clark, to be postmaster at Whitesborough, Grayson County, Texas.

Charles E. Aiken, to be postmaster at Brookings, Brookings County, Dakota.

William E. C. Worcester, to be postmaster at Hudson, Middlesex County, Massachusetts.

Tilghman W. Robbins, to be postmaster at Niles, Trumbull County, Ohio.

John A. Turley, to be postmaster at Athens, McMinn County, Tennessee.

Sylvester S. Munger, to be postmaster at Lampasas, Lampasas County, Texas.

Edward B. Yancey, to be postmaster at South Boston, Halifax County, Virginia.

##### REGISTER OF LAND OFFICE.

Ira M. Kurtz, of Indiana, to be register of the land office at North Yakima, Wash.

##### SECRETARY OF AGRICULTURE.

Norman J. Colman, of Missouri, to be Secretary of Agriculture.

##### PROMOTIONS IN THE ARMY.

###### *First Regiment of Cavalry.*

First Lieut. Thomas T. Knox, to be captain.

Second Lieut. Albert L. Mills, to be first lieutenant.

###### *Second Regiment of Cavalry.*

Capt. James Jackson, of the First Cavalry, to be major.

###### *First Regiment of Artillery.*

Lieut. Col. Loomis L. Langdon, of the Second Artillery, to be colonel.

Capt. John Egan, of the Fourth Artillery, to be major.

###### *Second Regiment of Artillery.*

Maj. Royal T. Frank, of the First Artillery, to be lieutenant-colonel.

###### *Fourth Regiment of Artillery.*

First Lieut. Richard P. Strong, to be captain.

Second Lieut. Adelbert Cronkhite, to be first lieutenant.



## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 13, 1889.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ELI GARRETT.

The SPEAKER laid before the House the following message; which was referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 9163, entitled "An act granting a pension to Eli Garrett."

This beneficiary enlisted in the Confederate army December 1, 1862. He was captured by the United States forces on the 26th of November, 1863, and enlisted in the Union Navy January 22, 1864.

He was discharged from the Navy for disability September 8, 1864, upon the certificate of a naval surgeon, which states that he had valvular cardiac disease (disease of the heart), and that there was no evidence that it originated in the line of duty.

His claim for pension was rejected in 1882 upon the ground that the act which permits pensions to Confederate soldiers who joined the Union Army did not extend to such soldiers who enlisted in the Navy.

I can see no reason why such a distinction should exist, and the recommendation of the Commissioner of Pensions made in 1887, that this discrimination be removed, should be adopted by the enactment of a law for that purpose.

In this case, however, I am unable to discover any evidence that the trouble with which this beneficiary appears to be afflicted is related to his naval service which should overcome the plain statement of the surgeon upon whose certificate he was discharged, to the effect that there was no evidence that his disability originated in the line of naval duty.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 12, 1889.

JULIA TRIGGS.

The SPEAKER also laid before the House the following message; which was referred to the Committee on Invalid Pensions, and ordered to be printed:

To the House of Representatives:

I return without approval House bill No. 5752, entitled "An act for the relief of Julia Triggs."

This beneficiary filed an application for pension in 1882, claiming that her son William Triggs died in 1875 from the effects of poison taken during his military service in the water which had been poisoned by the rebels, and in food eaten in rebel houses which had also been poisoned.

He was discharged from the Army with his company, July 24, 1865, after a service of more than four years.

The cause of his death is reported to have been an abscess of the lung. The case was specially examined and the evidence elicited to support the claim of poisoning appears to have been anything but satisfactory.

The mother herself testified that her son was absent from Chicago, where she lived, and in the South from 1863 to 1869, and that he was in Indiana from 1869 to 1874.

The claim was rejected on the 12th day of February, 1887, on the ground that evidence could not be obtained upon special examination showing that the soldier's death was due to any disability contracted in the military service.

While I am unable to see how any other conclusion could have been reached upon the facts in this case, there is reason to believe that a favorable determination upon its merits would be of no avail, since on the 17th day of April, 1888, a letter was filed in the Pension Office from a citizen of Chicago, in which it is stated that the beneficiary named in this bill died on the 27th day of February, 1888, and an application is therein made on behalf of her daughter for reimbursement of money expended for her mother in her last illness and for her burial.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 12, 1889.

CLARA M. OWEN.

The SPEAKER also laid before the House the following message:

To the House of Representatives:

I return without approval House bill No. 11052, entitled "An act granting a pension to Clara M. Owen."

The husband of this beneficiary was pensioned for a gunshot wound in the left chest and lung, received in action on the 30th day of September, 1864.

He was drowned August 31, 1884. It appears that he was found in a stream where he frequently bathed, in a depth of water variously given from 5 to 8 feet. He had undressed and apparently gone into the water as usual.

Medical opinions are produced tending to show that drowning was not the cause of death.

No post-mortem examination was had, and it seems to me it must be conceded that a conclusion that death was in any degree the result of wounds received in military service rests upon the most unsatisfactory conjecture.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 12, 1889.

Mr. MATSON. I move that the message be referred to the Committee on Invalid Pensions.

Mr. STEELE. I desire to ask my colleague [Mr. MATSON] how many bills with veto messages which have been referred to his committee have been reported back to the House during the present session?

Mr. MATSON. All that have been pressed. [Cries of "Regular order!"]

Mr. STEELE. I move as an amendment that the bill and message be referred to the Committee on Pensions.

The question was put; and the Speaker announced that the noes seemed to have it.

Mr. STEELE. Division.

The House divided; and there were—ayes 78, noes 104.

So the amendment was disagreed to.

The message was referred to the Committee on Invalid Pensions, and ordered to be printed.

## SANITARY CONDITION OF CITY HALL, WASHINGTON, D. C.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting, with accompanying correspondence, a letter from the Attorney-General relative to the sanitary condition of the city hall in Washington, D. C.; which was referred to the Committee on Appropriations, and ordered to be printed.

## NAVAL APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 12329) making appropriation for the naval service for the fiscal year ending June 30, 1890, and for other purposes, with Senate amendments; which was referred to the Committee on Naval Affairs, and ordered to be printed.

## REPORT OF BUREAU OF ANIMAL INDUSTRY.

The SPEAKER also announced that the Senate had returned to the House with amendments the concurrent resolution to print 50,000 copies of the fourth annual report of the Bureau of Animal Industry; which was referred to the Committee on Printing.

## REPORT OF COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House the following concurrent resolution from the Senate:

IN THE SENATE OF THE UNITED STATES, February 12, 1889.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 5,000 additional copies of the report of the Coast and Geodetic Survey for the fiscal year ending June 30, 1888, together with the usual necessary progress sketches and illustrations, 1,000 copies of which shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies for the use of the Superintendent of the United States Coast and Geodetic Survey.

Mr. RICHARDSON. That resolution has already been reported favorably by the Committee on Printing of the House, and I ask now that it be considered.

There was no objection; and the concurrent resolution was agreed to. Mr. RICHARDSON moved to reconsider the vote by which the concurrent resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. YOST, on account of sickness.

## ADMISSION OF LADIES TO THE FLOOR.

Mr. ERMENTROUT. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Doorkeeper be directed to admit to the floor of the House ladies having tickets issued for the reserved galleries during the joint session for the count of the electoral vote, and also, upon request of Senators and Representatives, the ladies of their families.

Mr. MILLS. I would suggest an amendment, that the resolution shall read so as not to include the seats reserved for the Senate.

The SPEAKER. The officers of the House will see to the manner of seating the ladies.

The resolution was agreed to.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## THOMAS WYNNE.

Mr. MORRILL. I rise to present a privileged conference report on the bill (S. 3116) granting an increase of pension to Thomas Wynne. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3116) granting an increase of pension to Thomas Wynne, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the part proposed to be inserted in the amendment of the House insert "of \$35 a month, in lieu of the pension he is now receiving;" and the House agree to the same.

EDWARD LANE,  
CARLOS FRENCH,  
E. N. MORRILL,  
Managers on the part of the House.  
PHILETUS SAWYER,  
C. K. DAVIS,  
D. TURPIE,  
Managers on the part of the Senate.

## STATEMENT.

The bill as it passed the Senate gave to the beneficiary a pension of \$50 per month. The House amended by striking out "\$50" and inserting "for all disabilities now found to exist." It has been shown to your committee that this soldier is in a helpless condition and not likely to live many months, and that the House amendment would be delaying the relief sought without lessening the amount.

The report of the committee of conference was agreed to.

Mr. MORRILL moved to reconsider the vote by which the report of the conference committee was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## SMALLS-ELLIOTT CONTESTED-ELECTION CASE.

Mr. CRISP. It was my intention to ask the House to consider for half an hour at least the pending contested-election case before the time arrived when the Senate is to meet with the House to count the electoral vote. But suggestions have been made to me that there is so much confusion on the floor, and there will necessarily be from now until then, that perhaps that is impracticable. I want, however, to make this statement, that there are two hours and thirty-seven minutes of debate remaining upon this case under the agreement—one hour and twenty-five minutes on this side, and an hour and twelve minutes on the other side. Four years ago, on a like occasion, the Senate remained in the House one hour and seventeen minutes. If no greater time is taken to-day than was taken then, the House will be in a position by half past 2 o'clock to resume the consideration of this case. The statement I wish to make is that we shall then ask that the case be resumed and that the House remain in session until it is disposed of. In that way we can reach a vote by about 5 o'clock. I make this announcement now so that members may know that we intend to pursue this course in regard to the pending case, in order that it may be disposed of to-day; but as there is so much confusion on the floor I shall not ask to call it up until immediately after the Senate retires.

A MEMBER. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

## NATURALIZATION LAWS.

Mr. OATES, from the Committee on the Judiciary, reported, as a substitute for the bill (H. R. 11393) to amend the naturalization laws of the United States, a bill (H. R. 12577) to amend the naturalization laws of the United States.

Mr. OATES. Mr. Speaker, I ask unanimous consent that that bill, with the substitute and report, be printed and recommitted to the Committee on the Judiciary, with leave to report back at any time.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. O'NEILL, of Missouri. I object.

The SPEAKER. The bill will be printed and recommitted if the gentleman from Alabama so desires.

Mr. OATES. I do.

The bill was recommitted, and ordered to be printed.

Mr. COLLINS. Mr. Speaker, on behalf of the gentleman from Ohio [Mr. SENEY] and myself, I ask leave to file the views of the minority on that bill.

There was no objection, and it was so ordered.

## CAPT. GEORGE S. ANDERSON.

Mr. ROCKWELL, from the Committee on Foreign Affairs, reported back the joint resolution (H. Res. 235) authorizing Capt. George S. Anderson, Sixth Cavalry, to accept from the President of the French Republic a diploma conferring the decoration of chevalier of the National Order of the Legion of Honor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. ROCKWELL. It is understood and agreed that the minority shall have leave to file their views at any time.

The SPEAKER. If there be no objection, that will be so ordered.

There was no objection.

## CHIEF ENGINEER GEORGE W. MELVILLE.

Mr. WISE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 2659) for the rewarding of Chief Engineer George W. Melville, United States Navy, for meritorious services; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## DEBT OF ARKANSAS TO THE UNITED STATES.

Mr. JACKSON. Mr. Speaker, I ask leave to file the views of the minority in relation to the bill (H. R. 3288) reported yesterday from the Committee on Public Lands, authorizing the settlement of the debt due to the United States by the State of Arkansas.

There was no objection, and it was so ordered.

## FORT SEDGWICK MILITARY RESERVATION.

Mr. TURNER, of Kansas, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 8634) to provide for the sale of the Fort Sedgwick military reservation, in the State of Colorado and Territory of Wyoming, to actual settlers; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## INDIAN APPROPRIATION BILL.

Mr. PEEL, from the Committee on Indian Affairs, reported a bill (H. R. 12578) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1890, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## ARIZONA, IDAHO, AND WYOMING.

Mr. SPRINGER (when the Committee on the Territories was called). Mr. Speaker, I desire to present a report from the Committee on Territories, but as it is not quite ready, I ask leave to file it with the Clerk during the day.

Mr. COX. What report is it?

Mr. SPRINGER. It is a bill to enable the people of Arizona, Idaho, and Wyoming to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 9983) granting an increase of pension to Moses W. Adley;

A bill (H. R. 9867) for the relief of Catherine Millen;

A bill (H. R. 10995) granting a pension to John W. Sidwell;

A bill (H. R. 11491) granting a pension to J. M. Stevens, Company A, Forty-ninth Pennsylvania Volunteers; and

A bill (H. R. 5224) granting a pension to Jacob Zannuck.

## MARTHA RHODES.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 12428) for the relief of Martha Rhodes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## WARREN F. WOOD.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 7914) to pension Warren F. Wood; which was laid on the table, and the accompanying report ordered to be printed.

## ISAAC D. FULLER.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 5154) to increase the pension of Isaac D. Fuller; which was laid on the table, and the accompanying report ordered to be printed.

## JOHN DILLON.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 10900) granting a pension to John Dillon; which was laid on the table, and the accompanying report ordered to be printed.

## VALENTINE M. CURRIN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 11859) granting an increase of pension to Valentine M. Currin; which was laid on the table, and the accompanying report ordered to be printed.

## ARTIFICIAL EYES FOR PENSIONERS.

Mr. BLISS, from the Committee on Pensions, reported back with amendment the bill (H. R. 9152) to amend the act approved August 15, 1876, allowing artificial limbs, so as to allow artificial eyes to pensioners; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## JOHN CURRON.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 11919) for the relief of John Curron; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MRS. MARGARET E. HARNIE.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 10785) for the relief of Mrs. Margaret E. Harnie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## MARY A. BAILEY.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11829) to pension Mary A. Bailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JONATHAN HAYES.

Mr. BLISS also, from the Committee on Pensions, reported back with amendment the bill (H. R. 6931) granting a pension to Jonathan Hayes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## GEORGE HUNTER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12510) granting a pension to George Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.



## AMANDA L. WISNER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11486) granting a pension to Amanda L. Wisner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## SARAH M'CLENACHAN.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 11526) granting a pension to Sarah McClenachan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## ELIZABETH L. SNELL.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 12482) to increase the pension of Elizabeth L. Snell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## WILLIAM SCHAFFER.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3150) granting a pension to William Schaffer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## POWELL'S BATTALION, MISSOURI MOUNTED VOLUNTEERS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 3513) granting pensions to Powell's Battalion, Missouri Mounted Volunteers; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## JAMES H. HALLIN AND OTHERS.

Mr. KERR, from the Committee on Claims, reported back with amendments the bill (H. R. 11995) for the relief of James H. Hallin, Hirman Avery, and Joseph Tesson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## WASHINGTON AND SANDY SPRING RAILROAD COMPANY.

Mr. ROWELL, from the Committee on the District of Columbia, reported back with amendments the bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow Gauge Railroad and Street Railway Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

## CHANGE OF REFERENCE.

On motion of Mr. CLARDY, by unanimous consent, the Committee on Commerce was discharged from the further consideration of Miscellaneous Document No. 88, in reference to a forfeiture of the Pacific railroad grants; and the same was referred to the Committee on Pacific Railroads.

## ORDER OF BUSINESS.

Mr. ENLOE. Mr. Speaker, the Committee on the Post-Office and Post-Roads instructed me to present to the House a report and ask unanimous consent for its present consideration. I now send it to the desk.

The SPEAKER. That can not be under this call; the Chair is now executing the regular order, which has been demanded.

Mr. PEEL. I wish to submit a conference report.

Mr. CRISP. I move that the House take a recess until five minutes before 1 o'clock.

The SPEAKER. The gentleman from Arkansas presents a conference report which the Chair thinks will have precedence of that motion.

## ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. PEEL submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6512) to grant the right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate and agree to the same.

S. W. PEEL,  
B. W. PERKINS,  
*Managers on the part of the House.*

H. L. DAWES,  
JAMES K. JONES,  
FRANCIS B. STOCKBRIDGE,  
*Managers on the part of the Senate.*

Mr. HOLMAN. I ask that the Senate amendments be read.

The Clerk proceeded to read the amendments.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a joint resolution (S. R. 125) authorizing the heirs of Rear-Admiral Charles W. Baldwin, United States Navy, to receive a snuff-box set in diamonds from the Czar of Russia; in which the concurrence of the House was requested.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 11879) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1890, and for other purposes.

Also, that the Senate had passed the bill (H. R. 855) for the relief of the heirs of Jacob Cramer.

## WITHDRAWAL OF CERTAIN PUBLIC LANDS, OREGON.

Mr. HERMANN, from the Committee on the Public Lands, reported back favorably the joint resolution (H. Res. 75) withdrawing from public sale and settlement vacant public lands along Columbia River between The Dalles City and Celilo, being in Oregon and Washington Territory, as a reservation for future improvement of river navigation between said points; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## ORDER OF BUSINESS.

The SPEAKER. The gentleman from Indiana demands the reading of the Senate amendments to the conference report submitted by the gentleman from Arkansas.

Mr. CRISP. If this is to lead to discussion I shall raise the question of consideration upon it.

Mr. PEEL. I do not think it will take any time.

The SPEAKER. The question of consideration is raised, which will be regarded as pending, and the regular order of business will be suspended for the present, as the Chair is informed that the Senate will leave its Hall at five minutes before 1 o'clock.

The Chair desires to call the attention of the House to the fact that under the act of February 3, 1887, in regard to the proceedings of the two Houses in joint convention for the counting of the electoral vote, it is provided that the Senators shall be seated in that part of the Hall on the right of the Presiding Officer.

## COUNTING OF THE ELECTORAL VOTE.

At two minutes before 1 o'clock p. m. the Doorkeeper announced the Senate of the United States.

The Senate entered the Hall, preceded by its Sergeant-at-Arms and headed by the President and Secretary of the Senate, the members and officers of the House rising to receive them.

The President of the Senate [Mr. INGALLS] took his seat as Presiding Officer of the joint convention of the two Houses, the Speaker [Mr. CARLISLE] occupying the chair on his left.

The PRESIDENT OF THE SENATE. This being the day and the hour appointed for opening the certificates and counting the votes of electors for President and Vice-President, the Senate and House of Representatives have met together pursuant to the Constitution and laws of the United States. If there be no objection to the electoral vote of the State of Alabama, the certificate will be read by the tellers, who will make a list of the votes therefrom.

There being no objection, Mr. MANDERSON (one of the tellers) read at length the certificate of the vote of the State of Alabama, giving 10 votes for Grover Cleveland, of the State of New York, for President of the United States, and 10 votes for Allen G. Thurman, of the State of Ohio, for Vice-President of the United States.

The PRESIDENT OF THE SENATE. Following the precedents observed upon former occasions, unless in any case there be a demand that the certificate be reported in full, the tellers, having ascertained the certificates are in due form and properly authenticated, will omit the executive certificate of the ascertainment of the electors appointed and the preliminary formal statement of the proceedings of the college.

Mr. HARRIS (one of the tellers) read the certificate of the electors of the State of Arkansas, and announced the electoral vote of that State for President and Vice-President.

Mr. EDMUNDS. I ask by unanimous consent the tellers, having examined the certificates and found them to be regular, will simply announce the result and the number of votes of the State, whatever the result may be, and save the time of reading the papers. We all understand they have examined them and found them to be regular.

The PRESIDENT OF THE SENATE. If there be no objection, that course will be pursued.

There was no objection.

The tellers then proceeded to announce the electoral votes of the States of California, Colorado, and Connecticut.

Mr. COX. I desire to call the attention of the President to the language of the law of February 3, 1887.

The PRESIDENT OF THE SENATE. The gentleman from New York can proceed only by unanimous consent, debate not being in order.

Mr. COX. I do not propose to debate, but will have the law read from the Clerk's desk.

The PRESIDENT OF THE SENATE. The Chair thinks that in the nature of debate.

Mr. COX. I will ask unanimous consent to read one sentence of the law, in order, if possible, to prevent any improper precedent from creeping into the count of the electoral vote. "Upon such reading of any such certificate or paper the President of the Senate shall call for objections, if any." That means, sir, if anything, objections after the reading.

The tellers then proceeded to announce the electoral votes of the States of Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, and Ohio, to which there was no objection.

During the announcement of the electoral vote of Indiana there were manifestations of applause.

**THE PRESIDENT OF THE SENATE.** The Chair is confident his suggestion that manifestations of applause or disapproval are in violation of the rules of the Senate and of the House of Representatives, and that they disturb the dignity and decorum which should characterize the great transaction which is now proceeding in the presence of the representatives of the American people will be sufficient to prevent a repetition of the disorder which has just occurred.

When the State of Oregon was reached,

**THE PRESIDENT OF THE SENATE.** The President of the Senate has received two certificates and two other papers purporting to be certificates from the State of Oregon. He is required by law to deliver them all, and delivers them to the tellers, who will, if there be no objection, read those certificates which are authenticated by the signatures of the electors certified by the governor of Oregon to have been duly appointed in that State, as appears by the copy of such certificate, transmitted to the two Houses of Congress; and will make a list of the votes as they appear therefrom.

Senator MANDERSON (one of the tellers). The tellers have examined the different certificates presented to them, and they find but one in duplicate that is certified by the governor of the State of Oregon, over the great seal of that State. It seems to be in due form, and by it it appears that Benjamin Harrison, of Indiana, received 3 votes for President of the United States, and Levi P. Morton, of New York, received 3 votes for Vice-President of the United States.

There was no objection.

The tellers then proceeded to announce the electoral votes of the States of Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, to which there was no objection.

**THE PRESIDENT OF THE SENATE.** The certificates having now all been opened and read, the tellers will deliver the result of the ascertainment and counting of the votes to the President of the Senate.

Senator MANDERSON (one of the tellers). The tellers on the part of the Senate and House of Representatives report the following as the result of the ascertainment and counting of the electoral votes for President and Vice-President of the United States for the term beginning March 4, 1889.

The following is the report:

*List of votes for President and Vice-President of the United States for the constitutional term to commence on the 4th day of March, 1889.*

| Electoral votes to which each State is entitled. | States.             | For President.                 |                                | For Vice-President.          |                            |
|--|---------------------|--------------------------------|--------------------------------|------------------------------|----------------------------|
|  |                     | Benjamin Harrison, of Indiana. | Grover Cleveland, of New York. | Levi P. Morton, of New York. | Allen G. Thurman, of Ohio. |
| 10   | Alabama.....        |                                | 10                             |                              | 10                         |
| 7  | Arkansas.....       |                                | 7                              |                              | 7                          |
| 8  | California.....     | 8                              |                                | 8                            |                            |
| 3  | Colorado.....       | 3                              |                                | 3                            |                            |
| 6  | Connecticut.....    |                                | 6                              |                              | 6                          |
| 3  | Delaware.....       |                                | 3                              |                              | 3                          |
| 4  | Florida.....        |                                | 4                              |                              | 4                          |
| 12   | Georgia.....        |                                | 12                             |                              | 12                         |
| 22   | Illinois.....       | 22                             |                                | 22                           |                            |
| 15   | Indiana.....        | 15                             |                                | 15                           |                            |
| 13   | Iowa.....           | 13                             |                                | 13                           |                            |
| 9  | Kansas.....         | 9                              |                                | 9                            |                            |
| 13   | Kentucky.....       |                                | 13                             |                              | 13                         |
| 8  | Louisiana.....      |                                | 8                              |                              | 8                          |
| 6  | Maine.....          | 6                              |                                | 6                            |                            |
| 8  | Maryland.....       |                                | 8                              |                              | 8                          |
| 14   | Massachusetts.....  | 14                             |                                | 14                           |                            |
| 13   | Michigan.....       | 13                             |                                | 13                           |                            |
| 7  | Minnesota.....      | 7                              |                                | 7                            |                            |
| 9  | Mississippi.....    |                                | 9                              |                              | 9                          |
| 16   | Missouri.....       |                                | 16                             |                              | 16                         |
| 5  | Nebraska.....       | 5                              |                                | 5                            |                            |
| 3  | Nevada.....         | 3                              |                                | 3                            |                            |
| 4  | New Hampshire.....  | 4                              |                                | 4                            |                            |
| 9  | New Jersey.....     |                                | 9                              |                              | 9                          |
| 36   | New York.....       | 36                             |                                | 36                           |                            |
| 11   | North Carolina..... |                                | 11                             |                              | 11                         |
| 23   | Ohio.....           | 23                             |                                | 23                           |                            |
| 3  | Oregon.....         | 3                              |                                | 3                            |                            |
| 30   | Pennsylvania.....   | 30                             |                                | 30                           |                            |
| 4  | Rhode Island.....   | 4                              |                                | 4                            |                            |
| 9  | South Carolina..... |                                | 9                              |                              | 9                          |
| 12   | Tennessee.....      |                                | 12                             |                              | 12                         |
| 13   | Texas.....          |                                | 13                             |                              | 13                         |
| 4  | Vermont.....        | 4                              |                                | 4                            |                            |
| 12   | Virginia.....       |                                | 12                             |                              | 12                         |
| 6  | West Virginia.....  |                                | 6                              |                              | 6                          |
| 11   | Wisconsin.....      | 11                             |                                | 11                           |                            |
| 401  |                     | 233                            | 168                            | 233                          | 168                        |

CHARLES F. MANDERSON,  
ISHAM G. HARRIS,  
*Tellers on the part of the Senate.*  
DANIEL ERMENROUT,  
CHARLES S. BAKER,  
*Tellers on the part of the House of Representatives.*

Senator MANDERSON (one of the tellers). The total number of votes cast is 401, of which Benjamin Harrison, of Indiana, receives for President of the United States 233; Grover Cleveland, of New York, 168; and of which Levi P. Morton, of New York, receives for Vice-President of the United States 233 votes, and Allen G. Thurman, of Ohio, 168.

**THE PRESIDENT OF THE SENATE.** The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 401, of which a majority is 201.

Benjamin Harrison, of the State of Indiana, has received for President of the United States 233 votes, and

Grover Cleveland, of the State of New York, has received 168 votes.

The state of the vote for Vice-President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice-President of the United States is 401, of which a majority is 201.

Levi P. Morton, of the State of New York, has received 233 votes, and

Allen G. Thurman, of the State of Ohio, has received 168 votes.

This announcement of the state of the vote by the President of the Senate is, by law, a sufficient declaration that Benjamin Harrison, of the State of Indiana, is elected President of the United States, and that Levi P. Morton, of the State of New York, is elected Vice-President of the United States, each for the term beginning March 4, 1889, and will be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The count of the electoral votes having been completed and the result declared, the joint meeting of the two Houses is dissolved, and the Senate will now return to its Chamber.

The announcement of the vote was received with applause on the floor and in the galleries.

The Senate retired from the Hall; and (at 2 o'clock and 20 minutes p. m.) the Speaker resumed the chair, and the House was called to order.

#### ORDER OF BUSINESS.

**THE SPEAKER.** The gentleman from Georgia [Mr. CRISP] raises the question of consideration against the conference report presented by the gentleman from Arkansas [Mr. PEEL].

**MR. PEEL.** Mr. Speaker, I suppose that report can be called up at any time as a privileged matter.

**THE SPEAKER.** The gentleman will have a right to call it up at any time.

**MR. PEEL.** Then I will not insist upon its consideration at this time.

#### SOUTH CAROLINA CONTESTED ELECTION—SMALLS VS. ELLIOTT.

**MR. CRISP.** Now, Mr. Speaker, I want to state again to the House, so that there may be no misapprehension as to the intention of those having the case of Smalls vs. Elliott in charge, that there are two hours and thirty-seven minutes still remaining for debate; at the end of which time, by order of the House, the previous question is ordered. That will bring us to about 5 o'clock, and at that time we expect to ask a vote and to have the matter determined before the House adjourns. If I can be allowed to control the time on this side of the House I now yield thirty minutes to the gentleman from South Carolina [Mr. HEMPHILL].

**MR. HEMPHILL.** Mr. Speaker, if I can have the attention of the House for a few minutes, after the proceeding which has occupied their thoughts for the last hour, I desire to make some response to the charges that have been made in the debate upon this election case against the people whom I in part represent upon this floor. I have not seen anything during my service in Congress that seems to excite so much delight upon the part of our Republican friends across the aisle as the privilege or opportunity of abusing one great section of this country, and one who has listened to the discussion of this election case would conclude that the unwarranted, the wanton, and often the malicious abuse of the Southern people is about the only "unfinished business" that the Republican party has left to it.

A great deal has been said about the registration law of South Carolina, and I want to explain to the House some of its provisions in order that it may go before them and before the country in its true light. The registration law of South Carolina was passed in pursuance of a provision of the constitution of the State, which was adopted by the Republican party and put upon the State of South Carolina by Republican votes, and it is in exact keeping with the constitutional provision which they adopted. If it is not in conformity with it, then the courts of South Carolina are open to every man who thinks that his rights are in any way infringed. It is a fact, however, that not a single man, white or black, Democrat or Republican, has ever questioned the constitutionality of that law. Not only is it a law passed in exact accordance with the constitution of the State adopted by the Republicans, but it is a fair and a just law. In many States of this Union it is required that a man shall register every time he votes.

In South Carolina if a man registers once in his lifetime and will preserve his registration certificate so that he may be identified at the polls, and will not change his residence, his voting precinct, or his



county, he has a right to vote without any additional registration as long as he lives. Surely no one can object to a law of that character. If he loses his certificate or if it becomes defaced or in any way gets out of his hands without his fault, then all that he has to do is to go to the registrar, upon the first Monday of any month in the year except the months immediately preceding the election, and have a new certificate issued upon making affidavit that the old one has been lost, misplaced, or defaced. In addition to that, if he is not satisfied with the result of his application he has a right of appeal to the board of supervisors in any county in the State, and if he is not satisfied with its decision he has the right of appeal to the circuit judge, and from there he can appeal to the supreme court of the State.

Now, after all the testimony that has been adduced in reference to this case, and after all that has been said about the law of South Carolina with reference to registration, it turns out that of the thirty-two thousand colored men in this district who are said to be voters and who are claimed by the Republicans as being devoted to the Republican party, only twenty-two men—only twenty-two out of thirty-two thousand—attempted to register and were not registered, and not a single one of them had so good a case that he was willing to appeal to the board of supervisors. That disposes, I think, of the whole question of registration. If those thirty-two thousand men are fit to be voters in the State of South Carolina, or in any other State (and they are voters under the laws of that State and under the laws of the United States)—if out of the whole thirty-two thousand only twenty-two have attempted to register and have had their registration refused, and if not one of those appealed from the decision of the registrar, then I say, Mr. Speaker, that all this gabble and talk about the unfairness of the registration law of South Carolina is the merest twaddle, and is intended for a different purpose than to reach a just conclusion in regard to this case.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit me to ask him a question?

Mr. HEMPHILL. Certainly.

Mr. JOSEPH D. TAYLOR. Is it true that those who were twenty-one years of age at the time of the passage of that registration law who did not then register can not register now?

Mr. HEMPHILL. There has been no such decision. It has been stated upon the floor of this House that if a man comes into the State he can not now register. No man who had read the laws of the State could have made such an assertion if he intended to be honest. In connection with this subject a good deal has been said about one Bampfield, the son-in-law of the contestant in this case. The contestant praised him, and I have no doubt that he had a right to praise him, and I want to take occasion to say here that the spirit exhibited by the contestant in this case contrasts most favorably with the spirit manifested by other gentlemen who have presented arguments upon it on this floor.

Now, what does Bampfield himself say? He had a number of certificates issued by the registrar of Beaufort County. One of them, by some mishap, did not reach him. What does he do? He writes to the registrar saying that "the old man will be disappointed" if he does not get his certificate, and then he adds, "Thanking you for your uniform kindness and courtesy in these matters, and hoping that I may hear favorably from you, I am, very truly yours, S. J. Bampfield." That is the letter of the son-in-law of the contestant in this case. He thanked the registrar of that county for his uniform kindness and courtesy, and yet, when this case comes upon the floor of this House, every registrar in the State of South Carolina is branded as a corruptionist and a fraud, and as a man who swindles the people out of their dearest rights. Now, I do not want to consume very much time upon this point, and will call the attention of the House to the election law of the State of South Carolina.

Mr. JOSEPH D. TAYLOR. You did not answer my question.

Mr. HEMPHILL. Yes, sir; I did answer your question.

Mr. JOSEPH D. TAYLOR. If a man were living in the State—

Mr. HEMPHILL. If he were living in the State and were to apply to the judges for a certificate he would, in all human probability, have a certificate issued to him. There has never been any decision that he can not have it, and I have no doubt in the world that he would succeed if he made any effort to get it. There is no pretense here that, any one, under these circumstances, has made an effort to get a registration certificate and been refused.

Mr. JOSEPH D. TAYLOR. What does the law provide in regard to it?

Mr. HEMPHILL. The law provides that he shall have a certificate, in my opinion.

Mr. DUNHAM. Is that all?

Mr. HEMPHILL. I can not give you anything but my opinion, and I do not think that any man can give anything more than an opinion in such a matter. The law is there upon the statute-book for the construction of the court, and I say that not a single man has been denied a registration certificate who was entitled to it and has used his legal remedies to obtain it.

Mr. BURROWS. Will the gentleman allow me to read the law?

Mr. HEMPHILL. I have not time to have the law read now.

Mr. BURROWS. Only three lines.

Mr. HEMPHILL. I have no objection to your reading three lines.

Mr. BURROWS. After providing for the registration referred to, that of 1882, the language of the section continues:

After the said next general election the said books shall be reopened for the registration of such persons as shall thereafter become entitled to registration.

Those entitled to registration "thereafter." That is the language of the law.

Mr. HEMPHILL. But that does not exclude other people. When you provide that one man shall have a certain privilege you do not say that other men shall not have that privilege. It has never been so decided in South Carolina, and I think the opinion upon this side of the aisle will stand as of equal authority with the opinion on the other side of the aisle; and if the people of South Carolina are satisfied with the way the law stands, I need not trouble myself about it; neither need you.

Mr. MORGAN. Has any qualified voter ever been refused registration?

Mr. HEMPHILL. Not a single voter that I know of.

Mr. KERR. Does the gentleman think it is none of our business how the people vote in South Carolina?

Mr. HEMPHILL. Oh, no; I do not state that; but I say they have their rights, and they know what they are. If they are not satisfied with the administration of the registration law they can go to the courts; and they have not done so. That is what I say.

I wish now to call attention to the election law of the State. It is said that the election law of South Carolina is intended to cheat the Republicans out of their representation. I deny it. I am not going to pretend that the election law there is for the purpose of putting the Republicans into power; because we believe there that a white man is just as good as a negro—that is what we believe. We are perfectly willing that a negro shall have all his rights, but we do not believe he should have his rights and ours, too; and we are determined that he shall not, if we can keep him from it. That is all there is in it. [Applause on the Democratic side.]

Now, Mr. Speaker, I say that this election law is legal and constitutional. In one sense it is nothing more than a qualification for electors upon the educational principle; and if that can be adopted in Massachusetts why can it not be adopted in South Carolina?

But it is said by the Republicans that all the county canvassers and managers of elections are appointed by the governor. This is exactly the same thing that was done when the Republicans were in power in South Carolina. For eight of the longest years that any people ever suffered under any tyranny the Republicans were absolutely in power there; yet they had a law that the governor should appoint every commissioner of election, and they appointed the managers, just as is done under the existing law. If the Republicans are satisfied with that, and the Democrats are satisfied with it, why should gentlemen on this floor interfere, unless from that overweening desire to ram their hands into something that does not concern them? I say that the Republicans could have changed that law if they had wanted to do so, and they did not do it.

In addition to that the Republicans had an election law there which, I suppose, was entirely satisfactory to our friends on the other side. Under that law, after an election the managers who had received the votes simply took the box home with them and did whatever they pleased with it for three days after the votes were cast. There was no law requiring the managers to count the vote in public; there was no law requiring them to carry the ballots at once, with the box locked up, to the county canvassers. But they held the election, and for three days they kept the boxes at their own homes and did with them as they saw fit. The result was that no matter how many Democratic votes were cast, or how many Democratic voters there were to cast them, the Republicans every time came out on top. Now, the present election law in our State—the law passed by the Democrats—requires that as soon as the election is over there shall be a public count of the votes cast, and that every man who chooses to do so may see the result of the election.

Something has been said also in regard to the shifting of boxes on the day of the election. Now, let us see about that. It is claimed by the contestant that as soon as the voters arrange their ballots in a particular way the managers shift the boxes. What does the law say on this subject? It provides that "each box shall be labeled in plain and distinct Roman letters (just as plain as they can be printed) with the name of the office or offices voted for; and the managers, on the demand of the voter, shall read to him the names on the boxes" as they stand there before him. In other words, if the voter can not read and asks the manager to read to him, it is the sworn duty of the manager to read him the name upon every single box of the voting precinct. And at every voting precinct in South Carolina where Congressmen and electors for President and Vice-President are voted for there is a Republican supervisor, who can show by his affidavit or otherwise that that law has been violated, if there has been any violation of it. Yet there is no pretense on the part of any witness that any such jugglery as has been suggested here has ever been carried on or that a single manager has refused to perform his duty in this regard. Mr. Speaker, I merely wanted to say that much with reference to the election laws of my State.

There is another thing to which I would like to call attention. A

great deal has been said on this floor and elsewhere in the United States, especially in another body connected with this Congress, about the suppression of votes in the Southern States. Some people have whipped themselves up into a great passion about this. The gentleman from Illinois [Mr. MASON] who spoke the other day prematurely, and the gentleman from Illinois [Mr. ROWELL] who spoke more recently on this question, have delivered some terrific philippics against the Southern people for the suppression of the votes, as they say.

They declared on the floor of the House of Representatives that it is nothing less than robbery, and that the people of South Carolina stand convicted before their countrymen of the United States of a great crime in depriving these people of their votes.

Mr. ROWELL. If the gentleman refers to me he will find I referred to no voters but those in South Carolina.

Mr. HEMPHILL. I say in South Carolina; that is what I am taking care of now.

Mr. ROWELL. I confined myself to the Seventh district of South Carolina.

Mr. HEMPHILL. Well, we will take the Seventh district of South Carolina, if that will satisfy my friend any better. I say the speech he made and the violent passion he worked himself into, knowing the ability which he possesses, to me are strong proof that the gentleman, not having a good case on the facts, was adopting the old plan of abusing the other side when he could do nothing better. [Laughter and applause.]

Mr. ROWELL. I wish to say I was neither in a passion nor did I go outside of the record, but discussed simply and purely the facts in the case.

Mr. HEMPHILL. Let us get down to the facts as to these votes. Take, for instance, the vote of California, which usually goes Republican unless now and then a sudden streak of virtue passes through the State and it goes Democratic. California gave in 1854 58.8 per cent. of its vote, while Alabama, which goes Democratic, gave 59 per cent. of its vote. Connecticut gave 77.4 per cent. of its vote, while Florida gave 97 per cent. of its vote. Maine, where the great Republican statesman comes from, the leading statesman of this country in the opinion of a great many men, gave 69.1 per cent. of its vote, while Tennessee gave 78.6 per cent. of its vote. I have here a table which shows the per cent. of the vote cast in six other Northern States and in six Southern States:

| States.            | Vote.          | States.             | Vote.          |
|--------------------|----------------|---------------------|----------------|
|                    | <i>Per ct.</i> |                     | <i>Per ct.</i> |
| Nevada.....        | 40.9           | South Carolina..... | 44.5           |
| Massachusetts..... | 60.3           | North Carolina..... | 91.1           |
| Pennsylvania.....  | 82.2           | Texas.....          | 84.7           |
| Vermont.....       | 62.1           | Virginia.....       | 85.2           |
| Illinois.....      | 62.1           | Kentucky.....       | 73.3           |
| Rhode Island.....  | 42.6           | Mississippi.....    | 50.3           |

If you add up the percentage of votes in these nine Northern and nine Southern States you will find in the Northern States it is 61.72 per cent., while in the Southern States it is 73.74 per cent.; so that in nine States of the South we have cast 12.2 per cent. more votes than you have cast in an equal number of States in the North.

Mr. JOSEPH D. TAYLOR. Where does the gentleman get his figures from as to the Southern vote?

Mr. HEMPHILL. I got the Southern vote from the same book I got the Northern vote from.

Mr. JOSEPH D. TAYLOR rose.

Mr. HEMPHILL. It is the vote of 1854; and I will give you something more if the gentleman will only keep quiet. Down in Florida it takes 28,268 men to elect a member to this House, and Florida is a Southern State; but in Massachusetts, where they have learned and patriotic men, where the people are supposed to have so much liberty, and where the breezes which blow through the heavens are not half as free as the voters on election day are said to be, it takes only a vote of 20,440 to elect a member of Congress. In Florida it takes 28,268, while in Massachusetts it takes 20,440.

Mr. MILLIKEN. How much does it take to elect a member of Congress in South Carolina?

Mr. HEMPHILL. I will answer. [Laughter.] I do not say we cast so many votes, because we have a way down there—whites and blacks—when we get a good Democrat in we let him stay.

Mr. MILLIKEN. How many votes did it require to get to that happy state? [Laughter.]

Mr. HEMPHILL. Do not trouble yourself about that little matter. We will take care of ourselves. The trouble with us is that you want to take care of us. We can take care of ourselves if you will only let us alone.

Let us come to Rhode Island. In the first district it is—

Mr. LONG. You know it does not trouble Massachusetts men.

Mr. HEMPHILL. I understand that Massachusetts and South Carolina have many points in common. You know how to get along. You let well enough alone. Take the great State of Rhode Island, a

great State in many respects, with not a very great area in size and not very big on the map. Our friend Mr. SPOONER, a mild-mannered, good, conscientious gentleman, comes here from a district that takes 6,636 votes to decide who shall represent it, while in the second district, where our friend Mr. ARNOLD comes from, it takes 15,630 votes to determine who shall represent it. Now, gentlemen, according to your logic, and I will not depend upon my own statement as to what your logic is, for I have it here from Mr. KENNEDY, a gentleman on your side, who delivered a speech on the tariff question—according to your own logic, there is something wrong about that, for he says, in speaking about the general suppression of votes in Alabama:

ALABAMA.

Now go to Alabama.

|  | Votes. |
|--|--------|
| First district, Jones, Democrat, no opposition.....    | 4,236  |
| Second district, Herbert, Democrat, no opposition..... | 5,639  |
| Third district, Oates, Democrat, no opposition.....    | 4,662  |
| Fifth district, Cobb, Democrat, no opposition.....     | 6,333  |

DEMOCRATS CONTROL BECAUSE OF THESE FRAUDS.

Could there be any possibility of a more systematic and determined suppression of the votes of any part of the Union? And yet it is by these very votes, which have been literally blotted out, that these gentlemen are enabled to stand here to-day in control of this Chamber and threaten the destruction of that system of protection which has built up and diversified the industries of this country and enriched it beyond any other nation upon the civilized globe.

While the votes of these Southern States are being suppressed, and one man, by virtue of his living south of Mason and Dixon's line, is enabled by the ballot to wield as much political power as eight or ten men in other portions of the Union, it may be well for us to inquire how long this condition of affairs shall continue?

In the great State of New York, upon whose chariot wheels the Democratic party is clinging with the departing strength of despair, the election of 1886 showed in the—

|  | Votes. |
|--|--------|
| First district, Mr. Belmont, Democrat.....   | 32,594 |
| Twelfth district, Mr. Cockran, Democrat..... | 26,782 |
| Ninth district, Mr. Cox, Democrat.....       | 22,078 |

ONE DEMOCRAT SOUTH EQUALS TEN DEMOCRATS NORTH.

I commend these figures to my Democratic friends for their careful consideration. Not only is the Republican party completely destroyed in these States, but one Democrat in Georgia, Mississippi, Alabama, and Louisiana is as powerful as ten Democrats in the North. One Democratic ballot in Georgia is equal to ten Democratic ballots cast in Indiana, Illinois, New York, and Ohio, and greater than fifty in Oregon or Dakota.

In short, it requires about 30,000 votes in Ohio, New York, Pennsylvania, Indiana, and Connecticut to elect one man to Congress, while 27,433 elect ten Representatives in Georgia.

Could anything be more preposterous? Is it possible to present a more outrageous example of the trampling under foot of the rights and liberties of the people? Can any just or plausible excuse be given for such a wholesale destruction of the ballot-boxes of the land?

Mr. Speaker, when I hear such statements as these I can not help sympathizing with my Republican friend, Mr. SPOONER, and these gentlemen from Massachusetts, who, remembering the small vote they have received to give them seats upon this floor, must have felt these arguments cutting into their souls like the cold steel of the knife in the heart of a man dying by the assassin's hand. They must have realized this in a double sense, coming from their own side and knowing that according to the logic of the argument presented they were here occupying seats, pretending to represent their constituencies, by the suppression of votes and by willfully and fraudulently depriving the people of Massachusetts and Rhode Island of their dearest rights.

Under this wicked system of the suppression of votes in Northern States 40 per cent. of the voters of Massachusetts were wrongfully deprived of their suffrage, and one Republican protectionist in a district in Rhode Island is equal to four tariff-reform Democrats in Florida.

In the language of the Republican orator, Mr. KENNEDY, of Ohio—

Could anything be more preposterous? Is it possible to present a more outrageous example of the trampling under foot of the rights and liberties of the people? Can any just or plausible excuse be given for such a wholesale destruction of the ballot-boxes of the land?

If because the people of the State of South Carolina failed to cast their ballots you are going to argue that there has been a suppression of the votes there, I ask you to apply your own argument and your own logic to the States of Massachusetts and Rhode Island and other States which I could name, and when you do that you will begin to put yourselves in a position to be heard by the country and to command some degree of respect for that advice given to the South that seems to be the chief delight of many Republican statesmen of these latter days.

The same state of things as to the suppression of the Democratic vote exists in Virginia, as shown by the following table:

| Counties.       | Black. | White. | 1884.            |                  | 1887.            |                  |
|-----------------|--------|--------|------------------|------------------|------------------|------------------|
|                 |        |        | Repub-<br>lican. | Demo-<br>cratic. | Repub-<br>lican. | Demo-<br>cratic. |
| Amelia.....     | 7,340  | 3,037  | 1,048            | 590              | 748              | None.            |
| Greenville..... | 5,650  | 2,737  | 1,088            | 540              | 671              | None.            |
| Nottoway.....   | 8,144  | 3,012  | 1,277            | 453              | 970              | 20               |
| Sussex.....     | 6,701  | 3,361  | 1,442            | 750              | 916              | None.            |

Mr. GALLINGER. What is the date of that election?



Mr. HEMPHILL. I will put the dates in with the tables that I will publish.

Let me call your attention to this: In the State of Virginia there are four counties, Amelia, Greenville, Nottoway, and Sussex, in which there were 2,334 Democratic voters in 1884. In 1887 there was not a single Democratic vote in three of these counties and only 20 in the other. Now, what has become of those votes? Why, according to the Republican logic, there has been a most outrageous suppression of the free ballot of a free people. In other words, the Democrats in Virginia did not have the power to cast their ballots for the men of their choice, if your reasoning is to hold good.

Now let us compare the votes of some other Northern and Southern States—the fourteen Southern States of South Carolina, Georgia, Alabama, Arkansas, Kentucky, Tennessee, Delaware, Maryland, Missouri, Texas, Virginia, West Virginia, North Carolina, and Florida, with the fourteen Northern States of Nevada, Rhode Island, California, Massachusetts, Vermont, Maine, Colorado, Connecticut, New Hampshire, Illinois, Pennsylvania, Oregon, Minnesota, and Ohio—and we reach the following:

|  |         |
|--|---------|
| Total per cent. of vote cast in fourteen Southern States, by States..... | 1,011.5 |
| Average per cent. of vote cast in fourteen Southern States.....          | 75.8    |
| Total per cent. of vote cast in fourteen Northern States, by States..... | 921.1   |
| Average per cent. of vote cast in fourteen Northern States.....          | 71.4    |
| Total balance in favor of Southern States.....                           | 70.4    |
| Average balance in favor of Southern States.....                         | 4.4     |

The six New England States cast, out of 1,144,919 voting population, 746,844 votes, or 65½ per cent. of voting population.

The three Middle States of New York, New Jersey, and Pennsylvania cast, out of a voting population of 2,803,670, 2,332,177 votes, or 82½ per cent. of voting population.

The four border States of Delaware, Maryland, Virginia, and West Virginia cast, out of 744,070 voting population, 633,270 votes, or 85 per cent. of voting population.

The four Southern States of North Carolina, South Carolina, Georgia, and Florida cast 563,467 votes out of a voting population of 883,676, or 63½ per cent. of voting population.

The four Southern States of Alabama, Mississippi, Tennessee, and Kentucky cast 808,891 votes out of a voting population of 1,204,942, or 67 per cent. of voting population.

The four Southwestern States of Missouri, Arkansas, Louisiana, and Texas cast 998,093 votes out of a voting population of 1,321,347, or 75½ per cent. of voting population.

But, sir, another thing upon the subject of the colored man. If he is so dear to your heart—and I want to say that I am not here to protest any undue affection for him, for I am not going to hurt your feelings by attempting to take your place and stand in with him—but upon the subject of the colored man let me make a suggestion which is pertinent to this question: Why do not some of you elect a colored man to Congress and make a living example of his fitness to frame laws for the people of this country? [Applause on the Democratic side.]

Now, there are a number of Republican States of this Union that have quite a large negro vote, notably I might mention New York, New Jersey, Pennsylvania, and you know as well as I do that there would not be a very strong probability of those States going Republican except for the large number of colored voters in them. Yet in those States which have from 3,000 up to 23,000 colored voters, have you ever sent one of them to Congress? The colored people have been free in the United States since 1863 or 1865, at least. They have been full-fledged citizens ever since 1868, and yet out of all the Northern States having a large number of these votes in them, having quite a large proportion of colored population, and in some States they having the power to keep the Republican party in or turn it out, I ask if you know of a single instance of the election from any Northern State of a colored man to Congress, or of any man who had a tinge of colored blood in his veins?

Mr. HOPKINS, of Illinois. Will the gentleman from South Carolina give me a single Congressional district in any of the Northern States which he has mentioned where the colored vote is 20 per cent. of the vote of the district?

Mr. HEMPHILL. That is exactly it, and I wanted the gentleman to state that. Whenever the colored man in a district has not enough votes to put his own color in he never gets in. [Applause on the Democratic side.] If you want a colored man in office, and if he is as good as the white, as you say, why do not the white men unite and vote for him to give him a place?

Mr. HOPKINS, of Illinois. Can the gentleman give a single instance in any Northern State where the colored man has aspired to come to Congress?

Mr. HEMPHILL. No, sir; I have never known of a colored man in a district in the Northern States who has had the assurance to presume to suppose that they would give him the office even if he did aspire to it—not one.

Mr. HOPKINS, of Illinois. Do you know as a matter of fact that the white men take care of the interests of the colored men in the North?

Mr. HEMPHILL. Oh, yes. I know they do. Just as we do in the South.

A MEMBER. And do you not know that they elect them to office?

Mr. CHEADLE. Will the gentleman yield to a question?

Mr. ROWELL. Colored men have been elected to the State Legislature in Illinois.

Mr. HEMPHILL. The gentleman from Illinois says that there have been colored men elected to the State Legislature in Illinois, and another gentleman says also in Ohio.

Mr. CHEADLE. Will the gentleman permit a question?

Mr. HEMPHILL. No, I can not now; one at a time and I will answer.

Mr. HOPKINS, of Illinois. You say the people of the North have never voted for a colored man for any office. I want to show you—

Mr. HEMPHILL. I do not say that they have not.

Mr. HOPKINS, of Illinois. Colored men have been elected to the State Legislature.

Mr. HEMPHILL. Why, we elect them in South Carolina. It is so common a thing to do so that we do not think of mentioning that. We elect them as Republicans and elect them as Democrats, and the first time I was ever in the State Legislature my two colleagues from the same county were colored men.

I do not say, Mr. Speaker, that colored men throughout the North have not occasionally crept into the Legislature; but of the fact that they do go to the Legislature of South Carolina I know of my own knowledge, and I know that this has always been true since 1868. There has not been a meeting of the General Assembly of the State of South Carolina in twenty years that has not contained colored men, both Democrats and Republicans. That can be easily verified by any gentleman who thinks that the colored man down there is not getting his full share of representation.

Mr. Speaker, if a stranger had happened in this Hall and heard the speeches made by my friends from Ohio and Illinois the other day he would have supposed that their affection for the colored man was so great that they could not sleep at nights unless they had their arms wrapped around his neck and his head in their bosoms.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. JOSEPH D. TAYLOR. I think it ought to be extended on account of the interruptions.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I ask to be recognized in order that I may give the time accorded to me to the gentleman from South Carolina.

Mr. MILLIKEN. I ask unanimous consent that the gentleman from South Carolina may be allowed to conclude his remarks, as he has been interrupted so much.

Mr. CRISP. I yield ten minutes more to the gentleman from South Carolina.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I had asked unanimous consent that he be allowed ten minutes on account of interruptions.

The SPEAKER *pro tempore*. The gentleman from Georgia has yielded the gentleman from South Carolina ten minutes more.

Mr. HEMPHILL. I was stating when my time expired that I have listened to those speeches a stranger would have drawn a peculiar picture. Now, I have taken occasion to learn to some extent how colored people are treated in the North, and though I have not time to go through the whole thing, I have a statement relating to the way they are treated in Chicago, Ill., the State from which my friends Mr. ROWELL and Mr. MASON come. Here is an interview with colored men in a paper printed at Chicago, the Herald, of December 12, 1887, of two or three columns, and in it it is declared that the colored men have not as many rights in many ways in the city of Chicago and the State of Illinois as they have amongst the people of Atlanta and other Southern cities.

Mr. GUENTHER. That is a very poor source of information.

Mr. ADAMS. Does he specify?

Mr. HEMPHILL. Yes; he specifies.

Mr. ADAMS. It is all untrue.

Mr. HEMPHILL. Well, we will see whether it is or not.

Mr. GALLINGER. The Herald is a Democratic paper.

Mr. HEMPHILL. That is all right, and therefore it is truthful.

Mr. Barnett, a colored lawyer, of Chicago, says that a colored boy can not get into a trade union, and can not learn to be a brick-mason, carpenter, or any other trade where any skill is required to make a living.

Mr. ADAMS. All American boys, white or black, find the same difficulty in learning trades.

Mr. HEMPHILL. Then Chicago is worse than I thought it was. It is bad enough to treat a poor darkey that way, but when you treat everybody that way it is worse than I thought.

Mr. ADAMS. But the difficulty is not confined to Chicago. It is so in all large American cities. American boys do not have a fair chance to become apprentices and learn trades.

Mr. HEMPHILL. The Herald says editorially:

The Herald once more lays before its readers an exhibit of the quiet brutality with which the colored man is treated in Chicago. Probably his life here is as happy as elsewhere in Northern cities. The canting politician who weeps over the wrongs of Eliza Pinkston raises his hands in horror whenever he hears that a white Southerner will not accord social equality to the negroes. This same philanthropist, if he keep a store or restaurant, will not hire colored salesmen in his store or serve colored patrons in his restaurant. The restrictions

that surround a respectable colored man and his wife are well-nigh incredible. To realize or conceive those limitations a white man must put himself in close companionship with the victim of the proscription. Theaters, restaurants, barber shops, and even churches are practically closed at all places north of Van Buren street. No trade or trade union is open. Money, therefore, is earned toilsomely, and it does not bring the advantages of a white man's cash. Difficult of acquirement, the medium of traffic is not a medium after it is obtained. The other day a white bulldog killed a cat, as many a dog has done. The society to prevent white bulldogs from killing cats now has the responsible wrong-doers in its grasp and promises to improve public morals before it shall let go the case. But the society for the prevention of needless cruelty to colored men and women in Chicago would be more to the end of justice. For every dog that kills a cat there are a hundred white men who enforce heartless exactions or ostracisms on worthy negroes. It is the belief of careful observers that a black man's feelings are hurt oftener in Chicago than in Atlanta or New Orleans.

Now, here is another case up at Marion, Ill.

Mr. GALLINGER. That is in Mr. TOWNSEND'S district.

Mr. HEMPHILL. That is all right; and it shows that sometimes the Democrats are as bad as the Republicans in their treatment of the negro. I have just read to you an interview showing how they were treated in Chicago. I will read to you what was done with them up at Marion, Ill. Here was a man who had a tobacco factory, and he carried a number of colored men up there to work in that factory; and what do you suppose the white people did?

His conduct greatly enraged the white workmen and they sent notice to the colored men warning them to leave town within ten days or receive summary punishment, and they threatened that if these colored men were not put out of that factory they would not only burn the factory but would burn the homes which the colored men were living in. That they did in Chicago—

Mr. ADAMS and others. Not in Chicago.

Mr. HEMPHILL. Not in Chicago, but in Illinois. Our friends on the other side seem to be a little disturbed on this subject. Now, I want to read what a Southern Republican says about all these pretenses of affection for the colored man on the part of the Northern politicians and stump orators. There is a prominent Republican down in Georgia by the name of Governor Bullock, and he says that "the harangues of Northern politicians about the oppression of the negro in the South are rot," pure and unadulterated rot. He says, further, that the manipulation of the politics of the South is another thing, and not pure and unadulterated patriotism.

I take now another Northern Republican State, Rhode Island—how do you think they show their affection for the darkey there? If a colored man in Rhode Island insures his life and happens unfortunately to die, his heirs can get but two-thirds of his insurance money, while the heirs of a white man get the whole of it. That is an actual fact, or was until a few months ago when the Legislature took action on it. [Laughter on the Republican side.]

Mr. GUENTHER. Read the law.

Mr. HEMPHILL. Here it is in black and white, and it shows that the Legislature of the State of Rhode Island became suddenly so much aroused upon the subject of the rights of the darkey that they actually went to work and passed a law to prevent the insurance companies from swindling him out of one-third of the money that would be due to his family in case of his death. [Laughter and applause on the Democratic side.]

Take the State of Kansas, "bleeding Kansas." You know there was a bill introduced into the Legislature of Georgia called the Glenn bill, which was intended to prevent the colored people and the white people from sending their children to the same school. The bill was the subject of a good deal of unfavorable comment in the North, and in a certain town in Kansas, Fort Scott, I believe, the negroes did not have any better sense than to suppose that their vociferous friends meant what they said, so they undertook to send their children to the white schools, but in every single instance they were turned out. There was one poor little girl who did not have enough colored blood in her to show what race she belonged to, and the teacher received her and taught her for one day, but the moment it was discovered that she was tinged with African blood they turned her out, and she had to go and seek an education in some other way.

The account continues:

The matter has been carried into the courts, which appear bound to decide in favor of mixed schools; but it is evident that the great body of the whites will not accept this policy, the opposition being so strong that the local Republican organ protests earnestly against any attempt to enforce it.

Mr. FUNSTON. I deny your assertion. [Cries of "Regular order!" on the Democratic side.]

Mr. HEMPHILL. Well, you may deny it, but that does not hurt it.

Mr. FUNSTON. Mr. Speaker—

Mr. HEMPHILL. I will not yield to the gentleman now.

Mr. FUNSTON. Well, I say you make a false charge.

Mr. HEMPHILL. It is not worth while to get excited and let your passions run away with you.

Several MEMBERS on the Republican side. What do you read from?

Mr. HEMPHILL. I read from the New York Nation. [Jeers and groans on the Republican side.]

Mr. STONE, of Missouri. That thing happened at Fort Scott, within 20 miles of where I live, and in the district of the gentleman from Kansas [Mr. FUNSTON].

Mr. HEMPHILL. Here is a gentleman [Mr. STONE, of Missouri] who says he knows that this did occur at Fort Scott.

Mr. FUNSTON. Where is the gentleman from, please tell me?

Mr. STONE, of Missouri. I live within 20 miles of Fort Scott.

Mr. FUNSTON. I represent Fort Scott.

Mr. HEMPHILL (to Mr. FUNSTON). Now keep quiet. [Laughter.]

Mr. FUNSTON. I say the colored people established their schools. [Jeers on the Democratic side.]

Mr. HEMPHILL. Take another State, the State of Ohio, from which one of the most distinguished Republicans in the country comes, Hon. JOHN SHERMAN. The colored people you know have been free at the South for the last twenty-five or thirty years, though they may not have heard of it up in Ohio. In that State they used to have upon their statute-books what they called the "black laws." Very recently the idea came to the Legislature of Ohio that they ought to repeal these, and one of these black laws was designed to keep the colored children out of the white schools.

Mr. JOHNSTON, of Indiana. A law passed by a Democratic Legislature. [Laughter on the Republican side.]

Mr. HEMPHILL. That may be; I do not know; but, anyhow, the Republicans have been in power there often enough and long enough to have repealed that law, if they wished to do so. In that State an attempt was made to put the colored children into the white schools; and what do you suppose was done about it? Why, there was a public meeting held of some 400 people in the town of Oxford, in the county of Butler, a county in which there are 41,400—

Mr. WILLIAMS (interrupting). A Democratic county which gives over 2,400 majority. [Laughter, and cries of "Sit down!" "Regular order!"]

Mr. HEMPHILL. Well, that is all right; that just proves what I said awhile ago, that so far as the North is concerned the Democrats and the Republicans feel the same way with reference to the negro.

Mr. WILLIAMS. Butler County is called the South Carolina of Ohio. [Laughter.]

Mr. HEMPHILL. That is a compliment for my State which I did not expect from Ohio.

But let us see what our friends are talking about.

The SPEAKER *pro tempore* (Mr. MCCREARY). The Chair will call the attention of the gentleman from South Carolina to the fact that his time has expired.

Mr. HEMPHILL. Well, I think it would be very unfair for our friends on the other side, after they have taken my time, to cut me off now. There are some things which I would like to tell them. I do not propose to occupy more than a few moments.

Mr. CHEADLE. I ask unanimous consent that the gentleman's time be extended for ten minutes.

Mr. JOHNSTON, of Indiana. And that the same amount of time be allowed on this side.

A MEMBER. Your side has already had an extension.

Mr. HEMPHILL. When the contestant spoke yesterday you gave him fifteen minutes additional.

The SPEAKER *pro tempore*. Is there objection to extending the time of the gentleman from South Carolina [Mr. HEMPHILL] for ten minutes? The Chair hears no objection.

Mr. HEMPHILL. Now, Mr. Speaker, I have a very few words more to say. Though I have a great deal of material here, I will not go into it all. I ask that in my remaining time I may not be interrupted.

Now, in this town in the county of Butler, in the State of Ohio, there were 41,435 white people and 1,140 colored. A meeting was held there to discuss this question, and this paper says that—

To the shame of some of these men it must be stated that they were Republicans, blinded by a fanaticism that can not but result in harm to this beautiful little town.

So it was not altogether the Democrats who took part in this movement. Well, they went to work and held a public meeting, and they instructed the board of education to separate the colored men's children from the white men's children. The proceedings continue:

In compliance with the above request the superintendent be, and is hereby, instructed to assign the colored people to the north building to-morrow.

That was the instruction which they gave when the first public meeting was held. Later there was another public meeting, to return thanks that they had gotten rid of the "darkies." In calling the meeting to order the chairman—

Asked the boys to be as quiet as possible—

The "boys" being spoken of, you understand, in a political sense. He—

Asked the boys to be as quiet as possible; that while they had cause to feel jubilant they could at the proper time give vent to their feelings.

All that he asked was that they should keep quiet while the meeting was going on.

One of the leaders in that meeting said that he would go security for the board of education, or the school board, that they should not suffer any pecuniary harm for having turned these colored children out in violation of the law. And what did he say when he was called upon to speak?



The colored people have the right of suffrage; more than this they can not expect. As for their social qualifications there are few of us here ready for that question.

Another speaker expressed himself as—

Highly satisfied to know that the children had been driven from the schools.

Another speaker said—

So soon as the colored man begins to push himself forward and dictate to his superiors in point of intellect and morality, then he awakens that great and powerful feeling of prejudice which has always existed in the heart of the white man against the negro.

That is the sentiment of the great State of Ohio as expressed by her leading citizens in a public meeting held for the purpose of returning thanks that the negro had been forcibly driven out of the public schools in violation of the law of the State. [Applause on the Democratic side.]

Mr. GALLINGER. Does the gentleman know that the State of Ohio elected a negro as a member of their electoral college at the last election?

Mr. HEMPHILL. Now, Mr. Speaker, occasionally when there is an election in some of these States the negro does slip into an office that has no salary connected with it; there is no doubt about that. [Laughter and applause on the Democratic side.] But a negro can not live on glory any more than a white man can.

Mr. GALLINGER. If the gentleman thinks that an answer, I am satisfied.

Mr. HEMPHILL. I do; and I will tell the gentleman another thing. I was up in the State of New York during the last campaign doing what I could for the cause of virtue and honesty. In a town which I visited there was quite a number of colored people; and out of thirty-four or thirty-five vice-presidents who were nominated for a large political meeting they gave one of those colored men the position of vice-president one night. That, I was told, was the single, solitary recognition that the colored people of that section of the country had received from any political party, and that came from the Democrats. Now, I know that our Republican friends do occasionally name a colored man for an office of this kind, and have his name read out from the desk as being one of the Presidential electors, and all that kind of thing. But there is no money in that, and what the colored men complain of in the North, as shown by these letters to which I have referred, is that they are not given a fair chance to earn an honest living. I might multiply these instances to almost any extent from the material now before me, all tending to show how the negro is treated in the public schools, churches, theaters, hotels, restaurants, and other public places throughout many Northern States, but I will not consume the time of the House. The cases I have cited fitly illustrate the general feeling on this subject as shown by actual occurrences among the people.

Let me only add the closing sentences of an editorial on this subject taken from the Detroit Journal of November 22, 1888, as follows:

When, by intelligence and refinement and achievement in the various callings and occupations of life, the colored race has wiped out the memory of its degradation in slavery, it will walk on the same plane of equality with the white man; but, it is to be feared, not before. In the mean time the North, with unconscious and cynical hypocrisy will continue to scorn the Southern people for their contemptuous treatment of the negro, and so far as they find it necessary to "keep the negro in his place" will also continue imitating them. No preaching of the gospel, no learned disquisition on the equality of all men before God and the Constitution, no satire or ridicule of the inconsistency will abolish these prejudices.

And the following extract from a letter written by a Northern preacher, now residing at the South, and recently published in the Christian Union, formerly edited by Henry Ward Beecher:

Since coming to live in the South I am persuaded of what I before suspected—that the social condition of the negro in the South is infinitely higher and far more expressive of a Christian humanity than in the North. Here he has separate railroad cars, churches, and schools, and this is in accord with his universal preference, so far as I have been able to discover. In these he feels a proprietorship and independence. No one dares to insult or molest him. He prefers to associate with his own people. In the North the respect for the colored man is mainly one of sentiment, and flourishes best when he is out of sight. He is admitted to the conveyances and schools and churches of the whites, but he is in a thousand ways made to feel that he is tolerated and not welcomed. There is nothing plainer to me than that in the matter of race prejudice the balance as to quality is largely in favor of the South. There is among the Southern people a warm, intelligent interest in the future of the negro that has no existence among the sentimentalists of the North. In fact, the North knows as little about the actual condition of the negro in the South as it does of the real heart of the Southern people. I am well satisfied that partisan papers and stump orators of the North have, for political capital, willfully and maliciously traduced the South.

Our friends have spoken a great deal about a free ballot and a fair count. I know no people more interested in having a free ballot and a fair count and some solution of this negro question than we of the South. These people are right there in our midst. They are there and will remain there. "Sink or swim, live or die, survive or perish," we must go together.

But I say, Mr. Speaker, it does not lie in the mouths of the people who treat this race in the way our friends here have treated them to attempt to give us advice, and particularly on the question of honesty at the elections, until they have gone and done some missionary work amongst their own people living in their own communities.

All this talk about the rights and wrongs of the negro, and what effort to place him into advanced positions, can bear no good results.

When the speakers do not believe what they say, and many I fear do not, it is simply hypocritical, and when they do believe their own statements, it amounts only to an ill-advised effort to force from the negro what the Almighty has never put into him, and that is the ability to rule the Anglo-Saxon race. We of the South are not only willing but anxious to give him justice. We believe that it is wisest, that it is the only fair way to treat him, and that it is the only mode of treatment in which we can maintain our own self-respect and command the respect of the good people of the other portions of this country. We will gladly take him by the hand and lift him up, and do the best we can for him; but we are not willing that he should take us by the hand, pull us down, and do the worst he can for us.

One of the best ways of judging of the treatment of the colored race, or any other, is to consider the efforts made for its elevation in the way of public schools and other institutions that tend to the advancement of a people. It is generally believed that the colored people in South Carolina do not pay exceeding one-tenth of the total taxes, and yet last year the number of colored pupils attending school in South Carolina was 103,334, and the number of whites was 90,100. During the same period there was over fifteen hundred colored teachers employed in the public schools of the State. In a public address delivered by Rev. Dr. A. D. Mays, a Northern gentleman who has devoted himself largely to the educational interests in the South for a number of years, he made the following remarkable statement:

I undertake to say that no people in human history has made an effort so remarkable, all circumstances considered, as the people of the South during the past fifteen years, in what they have already done for the schooling of their children. In many of their cities their schools will compare favorably with those of other parts of the country. Their reviving colleges and academies are mainly in the hands of able and devoted teachers. Their schools for girls are improving, and there is a great deal of interest in the higher education of women. Their teachers, as a body, are doing more good work for less pay than any class of their profession in our country, and not unfrequently are making sacrifices which amount to absolute heroism in their devotion to their work. I have just come from the State of South Carolina, where I have seen the largest audience-rooms in a score of her principal towns and cities crowded with their best people to listen to addresses on public education. And, generally, there is no topic of public speech or private conversation that now seems more generally interesting and even electric, through great portions of these States, than this. Last year the Southern States paid no less than \$17,000,000 for the education of their children and youth of both races; probably five or six millions for the schooling of people who were held as property twenty-five years ago. And when one has seen the actual condition of the Southern people, as I have witnessed it, he can understand that \$17,000,000 does not represent countless millions in our wealthy, prosperous, and powerful North.

A great deal has been said about suppression of votes in South Carolina; about fraud being perpetrated by election officers; about 25,000 voters in one district being deprived of their right to vote, and yet the fact stands out uncontradicted that not a single one of these 25,000 men appealed from the decision of the registrar or managers of election, and not one of the men who are alleged to have perpetrated this enormous wrong has been arrested or brought to trial in the United States court where Judge Bond presides, and he is one of the strongest Republicans in the United States.

These same charges have been brought up against us in the past. The Government sent down lawyers from Pennsylvania and Ohio and from Georgia to convict men of crimes with which they are charged, and in one instance the jury was assembled and by solemn resolution, before the case was put on trial, these jurors swore among themselves they would convict these defendants of the crime with which they were charged; and yet notwithstanding that, notwithstanding the ability of the lawyers, notwithstanding the judge was a Republican, when the case was presented there were no facts which could be found to sustain a conviction, and notwithstanding what the jury had sworn to do they were unable to render a verdict of guilty.

It will be the same thing again, gentlemen. These officers have not been guilty of the crime they are charged with. If they are, there are the courts of the United States and of the State, which are open to the 25,000 people who are said to have been deprived of their rights and privileges. I say it is a poor showing for the colored people to say 25,000 of them have been deprived of their rights and privileges as American citizens, and yet they have not taken one single step to bring the perpetrators of that wrong against them to justice. [Applause on the Democratic side.]

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HEMPHILL. Mr. Speaker, my effort has been to show that the registration and election laws of South Carolina are not snares, but that they are reasonable and just; that our election officers are not criminals, as has been charged, and that if there be any race prejudice the same thing exists in Northern States, and that as citizens of the several States we ought in justice and fairness to judge each other in charity and not in harshness.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HEMPHILL. The only thing further I wish to ask of the House is that I may have the privilege of inserting some figures which I have in relation to this question.

There was no objection, and it was ordered accordingly.

Mr. LODGE. I will yield half my time to the gentleman from Wisconsin [Mr. LA FOLLETTE].

Mr. COOPER. Before the gentleman from Wisconsin proceeds I would like permission to make a statement. I will say that I did not consume



the entire hour to which I was entitled on yesterday, but concluded my remarks having exhausted all of the hour but five minutes, which time, however, I did not reserve. I supposed this side would have the benefit of the time and that it was not necessary to reserve it, but I should be glad to have an understanding now, so that I may have the benefit of the remaining minutes.

The SPEAKER *pro tempore*. The gentleman from Ohio did not use all of his time. There were five minutes of it yet remaining.

Mr. CRISP. But I do not understand, Mr. Speaker, that that time belongs to the gentleman. The addition of that time would entirely change the arrangement heretofore made. We have agreed upon a time for the vote. This is a new proposition.

Mr. COOPER. I am not making any proposition in reference to it at all. I am only stating that I consumed but fifty-five minutes of the time, and if I am entitled to the remainder I should like to be permitted to dispose of it as I please. I did not reserve the time for the reason that I have stated.

Mr. CRISP. I hope the gentleman will not insist upon changing the agreement heretofore entered into.

The SPEAKER *pro tempore*. The Chair will announce that when the debate began this morning the contestant had one hour and twelve minutes, and the contestee one hour and twenty-five minutes, of the time remaining for debate. The Chair understands the gentleman from Wisconsin [Mr. LA FOLLETTE] has the floor now for the time yielded to him by the gentleman from Massachusetts [Mr. LODGE].

Mr. LA FOLLETTE. Mr. Speaker, looking at the map of the Congressional districts of South Carolina, one's eye can not fail to be arrested by the peculiar outlines of the Seventh, with its strange curves and curious angles. The straggling and vagrant boundary seems to have been wandering in search of every point of the compass, but an examination of the political character of that part of the State, furnishes a ready explanation for its extraordinary shape. Turning to the census report one quickly discovers that every effort has been made to gather into this particular district that section of the State which is settled almost exclusively by colored voters. The limits of the district have little reference to the county or township subdivisions. It comprises only three entire counties, but includes portions of six other counties, and even divides townships. It is known in South Carolina politics as the "Black district" of the State. The registered vote of the district indicates a colored majority of 25,000. The entire vote is 40,588, and the entire colored vote, prior to registration, was 32,893.

The district has been since apportionment a conceded Republican district. It was formed to incorporate as far as possible the almost solid Republican precincts of the State; but greed for office and a fixed determination to suppress the colored vote led the Democratic managers of that Congressional district to perpetrate the crimes which bring this case before the House.

This was rendered comparatively easy by the passage of the South Carolina election law, a law which outrages every principle of honesty and right, tramples under foot the Constitution of the United States, and stifles the voice of the legal Republican voters of that district. The law provided that all voters should register at the general registration in the months of May and June, 1882. It provides only for subsequent registration by such voters as thereafter attain their majority; and for the reissue of registration certificates only to voters whose registration certificates have been lost or destroyed. Its provisions were designed to allow all election officers and managers to be of one political party. It excludes from the voting-places all persons excepting the managers and clerks of election and the voter. It provides eight different ballot-boxes, to be located as near each other as the managers determine, and their relative positions changed as often as they please. It therefore leaves the control of all the steps preliminary to ballot, of all the arrangements for election and the election itself, as well as the count of the ballots, and the return, entirely and exclusively in the hands of the dominant political party. While it provides that the count shall be publicly made, it is held to be a compliance with the law if the public is excluded and kept at such a distance as to be beyond hearing and only in sight of the performance.

Such in brief is the election law which inspired and stimulated the contestee to make the successful attempt of wiping out an enormous opposing majority and securing the certificate of election to a seat on this floor. It is a matter susceptible of easy demonstration, if gentlemen will indulge me with their attention, that this is one of the most outrageous wrongs ever perpetrated upon the sanctity of our elections or sought to be foisted upon the credulity of this House. It was accomplished by three different methods: first, by preventing registration; second, preventing registered voters from voting; third, reversing the result of the ballot in the count and return.

William Elliott, the Democratic candidate, was given the certificate of election. His majority according to the returns is 532.

I can not trespass on your time to quote extendedly from the eight hundred pages of testimony in this case. Indeed, it is hardly necessary. The case is strongly proven when fairly stated. The enactment of the law itself was plainly for the purpose of disfranchising the colored voters of the State. The officers evidently understood what was expected of them from the first.

#### PREVENTING REGISTRATION.

Registration offices were opened in localities where it would most inconvenience the largest possible number of colored voters to appear for registration. They were forced to travel long distances in order to present themselves to the proper officer; then compelled to return day after day awaiting his pleasure; to stand from morning till night before this indifferent, leisurely scoundrel, while he furnished the proper certificate to the Democrat, the white man, promptly and without delay.

In proof of this listen to this evidence from the record:

Henry Singleton (colored) was one of a large number of witnesses who testify that they offered their votes for Robert Smalls, but were rejected because they had been cheated out of registration. He applied at the first registration in 1882, for two entire days at one place, where his persistent supplication was not rewarded with even a response from the official. He followed the officer to another place of registration and there importuned him for three days, informing him that he had to walk 8 miles back and forth. He was refused.

Ben Mellwain (colored), another, spent two days in an effort to get his certificate. He says:

I tried as hard as I could. I called his attention for a long time; he was doing nothing but tapping with his pencil. He did not give any reason for not registering me.

On cross-examination he says:

He registered four or five white people to one colored man.

Solomon Laws (colored), another, applied for registration for two days at one place and one day at another. He stood for hours and called out his name, but the officer would not pay any attention to him. He was within 4 or 5 feet of the officer.

Frank Seymour (colored), another, spent two days and a half at one place and one day at a second. He got within 2 feet of the officer. He remained from 9 o'clock a. m. till 4 p. m. Many received certificates who were not so near. He failed altogether.

Moses Brittan (colored), another, sought registration in 1882. He stood for two days each at Gordon's Mill and Sumter Court-House near enough to touch the officer with outstretched hand from opening till closing of the office. He was ignored, and is therefore disfranchised under this law.

E. D. Peterson (colored), another, applied at the first general registration for nine succeeding days. He sought the office of the register; approached so near that functionary as to reach the table at which he worked. He says: "I asked him to please register me; he always said, 'All right; directly.' He was registering people all the time, but registered them that came up after me."

Richard Thompson (colored), another witness, secured his certificate in 1882, but lost it and applied seasonably to the proper officer in 1886. That worthy varied the performance with a little lying, and explained to the applicant that it would be quite unnecessary for him to have a new certificate; he was so well known that he could vote anyway. When he offered his ballot it was promptly rejected because he had no certificate of registration.

These and many other witnesses swear that they made every possible effort to secure registration and were persistently and unlawfully refused by a Democratic official; that they afterward offered their votes for General Smalls and were rejected by Democratic managers of election because they were not registered.

This is a fair illustration of the manner in which colored Republicans have been disfranchised in South Carolina by the thousands. Go a step farther into this case and take a better view of the system.

With all the barriers, obstacles, and hindrances to registration there was still a great majority to be disposed of in this Congressional district. The party friends of the gentleman now occupying General Smalls's seat on this floor planned to despoil that majority of their district upon election day. This was to be accomplished in various ways, each, if possible, more dishonest than the others. The purpose of the inventors of this election scheme now became strikingly manifest.

#### PREVENTING REGISTERED VOTERS FROM VOTING.

The provision respecting residence and registration offered, as it was plainly designed to, unlimited scope for artifice and jugglery on the part of the Democratic managers of the elections. In no instance did they neglect their opportunities. If a colored voter had moved into a different house upon the same farm in the same voting precinct it was held to be a change of residence and his vote rejected. If, without moving his family from the house, he had gone out to work by the day or month temporarily it was decided a change of residence. If the name of the farm or plantation on which he resided when registered could be made the subject of variation his vote was promptly excluded, though it was conceded that his residence had not moved a foot since his registration.

As a sample of this sort of work I cite a few of the hundreds of witnesses who swore in this case that they duly presented their registration certificates at the polls, and offered their votes for Robert Smalls, but were rejected for the reasons stated.

The certificate of Edward Harrison (colored) was regular, and stated his residence as "Bloom Hill, Manchester township." Bloom Hill is the name of the plantation owned by one Owens. Edward Harrison



had lived there for twenty years. Thirteen years ago he bought the little piece of Bloom Hill which he then occupied, and where he has continuously resided since. He was rejected because his residence was not Bloom Hill, and had only been formerly a part of Bloom Hill.

Wade Hampton's name did not save him. He is a colored man. He was duly registered in 1882 as residing at "Lawrence Dow Place, in Manchester township or parish." His vote was rejected by Bob Owens, a manager. The witness says:

He objected because I had moved out of the house I was in. I voted at the Cleveland and Blaine election on the same certificate. I have not moved since 1882 from the place of residence marked on that certificate.

Richard Singleton (colored) was registered at the general registration in 1882, and the following certificate issued to him, which he still has in his possession:

[Registration certificate No. 4167, Sumter County, Sumter township or parish; election precinct, Sumter No. 1.]

The bearer, Richard Singleton, is a qualified voter in the above precinct, and resides at estate of Jno. Moore's land in Sumter township or parish, and is twenty-four years of age and is entitled to vote at said precinct.

Registered on 21st day of June, A. D. 1882.

P. P. GAILLARD,  
Supervisor of Registration.

He attended Sumter precinct and offered his vote for General Smalls. It was refused by John Schwen and Keels, the Democratic managers of the election, for the following reasons, as given by the witness:

They said the certificate was not right. They asked me what place I was living at, to which I replied on Singleton Moore's place, which had been the place of John Moore, who is dead. When I obtained my certificate John Moore was dead, but Singleton Moore had charge of the place. It is generally known as John Moore's place. I voted at the election before this on the same certificate. I was then living at the same place. The managers did not state that the reason for rejecting my vote was because I had changed my residence. I stated to them that Singleton Moore and John Moore's place is the same. All they (the managers) stated after looking at the paper (was) that "It is not right; pass out."

In further demonstration of the noble, high-minded, and delicate sense of "Southern honor" displayed in making the law a "hocus-pocus science that smiles in the face" of the colored Republican while it steals his vote, mark still another case:

Gabriel Wright (colored) sworn, says:

"I am fifty-six years of age; live in the township of Sumter, and am a farmer. I attended Sumter precinct to vote for General Smalls. The manager asked me for my certificate, and I had to go home and get it. After coming back Scleverin (manager) objected to me."

The following is a copy of the registration certificate:

[Registration certificate No. 5025, Sumter township or parish; election precinct No. 1.]

The bearer, Gabriel Wright, is a qualified voter in the above precinct, and resides at his own land, and is fifty-one years of age, and is entitled to vote at said precinct.

Registered on the 30th day of June, 1882.

P. P. GAILLARD,  
Supervisor of Registration.

Continuing, witness said:

At the time I registered I was living at Sumter on my own land. When I offered to vote I was living at the same place. About two years ago Mr. Barnett bought the place, but I did not move from it till last Christmas (long after the election).

This witness had not changed his residence, and the managers well understood that he had not, but rejected his vote because he had sold, though he had not moved from, his land.

But, sir, the proof is ample that the same managers guilty of these abuses permitted Democrats to vote without let or hindrance, without even requiring the production of certificates or halting them with a single question.

T. J. Turney (colored), sworn, says:

I reside in Sumter; am a farmer; attended Sumter precinct at the last general election; remained there from opening to closing of polls. I kept a poll-list of those that voted and those that were rejected. The list of the voters I kept is not very correct because they admitted the voters into a house that I was not permitted to go in, but the list of rejected voters is correct, owing to the fact that every rejected voter gave me his name upon being rejected. One hundred and eighty-four were rejected. They belonged to the Republican party. I saw persons voting who did not present their certificates. They were Democrats.

J. R. Smith (colored), the supervisor of Lynchburgh precinct, was a sore annoyance to the Democratic election managers. Sworn as a witness, he says:

I live in Lynchburgh precinct; attended at the last election (1886) from 6 a. m. until 6 p. m., as a supervisor. Of my own knowledge I know of about 100 who had no certificates, and of 94 who had certificates that were not allowed to vote. A majority of the rejected voters belong to the Republican party. I kept a poll-list. At the commencement they had the registration books before them; in the course of time a manager got up, had a conversation with another one, the registration books were removed from the table to the counter; when a white man presented himself to vote they would not refer to the books; only done so when a colored man came, and would ask the colored man a good many questions, and if they missed their residence would not allow them to vote. I am satisfied that all the ones that voted before they moved the registration books were legal, but those that came in afterwards I could not tell. The books were removed and I could not tell whether they had a right to vote or not, and I asked them to let me look two or three times, but they would not let me look.

Comment is unnecessary.

The record in this case proves beyond denial the rejection of 278 duly registered and legally qualified voters in the Seventh district of South

Carolina at the Congressional election of 1886 who appeared and offered their votes for Robert Smalls, the contestant. He has not taken the testimony of the thousands of Republican voters throughout that district, barred of their rights in the same shameless, lawless manner. He has furnished enough and more than enough to expose fully the plan of campaign in that section and give him his seat on this floor.

An easier method and one apparently very generally practiced in certain solid Republican precincts is that employed at Biggin's Church precinct, Richland County. None but Democratic election managers were appointed. They had no interest in the vote of a Republican precinct where there was a Republican candidate whose defeat had been ordered. At Biggin's Church, on a political division, the Republicans cast about 350 votes, the Democrats 10 or 11. Consequently, when election morning came the gentlemen appointed to conduct the State election opened the State poll, but the managers for the Congressional ballot-box did not appear at all.

The testimony of some of the witnesses with reference to this matter is interesting and important.

E. H. Reid (colored), sworn, says:

"I reside at Monck's Corner, Berkeley County; occupation, school-teacher. On the last general election day [1886] I was at Biggin's Church precinct; arrived there at 8 o'clock a. m., and remained there until about half past 2. During the time I was present there was no Congressional poll open. I did not vote for Congressman, though I was entitled to. There were from 345 to 350 voters present, all Republicans except 10 or 11."

Thomas H. Wallace (colored), sworn, says:

"I reside at Monck's Corner; occupation, storekeeper. On 2d of November [1886] I was at Biggin's Church polling precinct at 5 a. m. and remained there all day, and till the close of the polls for the State and county offices. Congressional poll did not open. There were no managers there; no votes were cast for member of Congress. There were 350 voters present. About 339 would have voted for Robert Smalls, and the others would have voted for Elliott. I have this means of knowing how the individual voters would have voted at that election; I am Republican precinct chairman of Biggin's Church precinct, and I have been for eleven years, and must have an idea how many votes would be cast for the Democratic and Republican candidates for Congress; every election I have been at that precinct with the Republican tickets, and no Democratic candidates have ever received more than 11 votes. No change in political sentiment has taken place at all; the Democrats have gained no strength since 1876 at that precinct. In 1884 the colored men voted the Republican ticket, the whites the Democratic ticket. On the last election day the Republican voters present did not all vote in the State and county boxes on account of the eight boxes and changing of the boxes by the managers from time to time during the election, and as they could not read they thought there was no use to vote. I saw them change the boxes just after I voted."

This same plan was carried out at many other precincts. Sometimes it partially failed, or wholly miscarried, through inadvertence on the part of one or two of the Democratic managers of elections or through the carelessness of the commissioners in accidentally appointing an honest man as one of the managers. But the canvassing board can be relied on in all such cases to take care of any little oversight of that kind.

#### REVERSING THE VOTES AS CAST ON THE COUNT AND RETURN.

At Gadsden precinct, in Richland County, Democratic managers for the Congressional poll would not serve. After waiting about three hours, the Federal supervisor swore in three managers, who held the election.

Their proceeding and the result of the election is shown by the testimony of Preston Richardson (colored), one of the acting managers. He says:

I reside at Grove Wood, Gadsden precinct; am a farmer; arrived at Gadsden precinct last election day at 5 o'clock in the morning, and remained till the polls closed, and at night the votes were counted. The Congressional polls did not open till 10 o'clock, because the managers appointed by commissioners were not present. Two of them were there during the day; Mr. John H. Adams, at 6:30 o'clock; Mr. Scott came there in the afternoon and voted at county and State election boxes, in the other end of the same building in a different room. Mr. Adams said he was there on time to open the polls as one of the regularly appointed managers of election, but the others did not appear and no polls would be opened. An election was held by myself, William Reynolds, and S. J. Shiver. Opened at 10 o'clock. The box was set at the window, and each voter he came up and presented his registration certificate was first sworn and voted. At the close of the poll we proceeded to count the ballot. The ballots and box were in the custody of the managers, and then we sent them to Samuel Green, Republican Congressional district chairman. The box was nailed up and a strip of paper put over the hole and sealed. Four hundred and fifty-one ballots were found in the box when counted. They were counted for Robert Smalls. No ballots were cast for any other candidate.

This box, intact, with the seal unbroken, was presented to the officer of this House as evidence when the testimony in this case was taken.

One of the other acting managers, S. J. Shiver (colored), sworn, says:

I live at Gadsden precinct. On last general election I was at Gadsden polling precinct from 5 a. m. till close of polls and votes were counted. Polls opened about 10 a. m. A. P. Richardson, myself, and Reynolds acted as managers, appointed by Republican supervisor. Polls were not opened at 7 o'clock because the regular managers were not there. Mr. John Adams was there, but did not act; he said he would act, but the rest were not there, and he would not act himself. At close of polls ballots were counted and placed in box. We counted, I think, 452 votes for Robert Smalls. All persons who presented their registration tickets, and the tickets were signed for the place where they lived, and they had not moved, were allowed to vote. In 1884 the total vote was something over 500.

There is not a syllable of testimony anywhere in the record suggesting that any illegal votes were received by the acting managers, nor that any legal votes were rejected, nor that a single voter was deprived of his privilege to vote at the Congressional poll because it was not opened until 10 instead of at 7 o'clock, nor that an honest count and true return were not made of the vote as cast.



The canvassing board rejected the 451 votes cast for Smalls at this precinct.

At Sandy Island precinct, Georgetown County, only one of the managers served. He chanced to be a Republican. The two Democrats refused to act. The election was orderly; only legal votes were received. The count was honest and the return regular.

J. J. McCottrie, supervisor for this precinct, sworn, says:

Qualified and served as supervisor of election at Sandy Island precinct. Opened polls at 7 a. m. Charles Lance served as manager; the other managers were not there. Gabriel Lance served as clerk. Before opening the polls the manager opened the box and allowed public view of inside of it. He administered the oath and required each voter to show his registration certificate before he allowed him to vote. He had the registration book of that precinct. The polls remained open till 6 in the evening. I kept the poll-list; 33 votes were cast; Robert Smalls received 33; William Elliott none. I witnessed the counting of the vote. I saw the manager sign a statement of the returns. He put it in the box, sealed the box, and carried it home. I assisted the manager in counting the vote; there was no other Federal supervisor at the polls that day. The box was locked before the voting began.

This box was rejected by the county board because the two Democratic managers did not serve.

Cedar Creek precinct, Georgetown County, was rejected by the canvassing board because one of the managers did not qualify. The three were present; two were duly sworn. No charge is made that the election was not fair and return legal. Smalls received 18, Elliott none.

Griers precinct, Georgetown County: Two of the regularly appointed managers qualified and served. One refused and J. H. Alston was sworn in and served instead. This is made the sole excuse for throwing out the entire vote of the precinct. Every word of testimony as to this precinct in record proves the fairness and regularity of the election and return. At this precinct Robert Smalls received 65 votes, Elliott 4.

Santee precinct vote was rejected by the county canvassing board because two of the Democratic managers refused to serve. The election was conducted by the third regularly appointed manager, assisted by a sworn clerk and supervisor. The polls were opened, kept open, and closed at the hours fixed by law. Several witnesses swear that only registered and legally qualified voters were permitted to vote, each of whom presented a certificate and was duly sworn before depositing his ballot. There was no railing around the approach to the box, as directed by statute. But the witnesses swear that the voters approached singly and voted without being spoken to or directed by any other person. The contestee claims that a few votes were cast by voters who had changed their residences, but there is no evidence that a voter had made an actual change of residence. The vote was counted. The count balanced with the poll-list. The returns were properly made out and personally delivered to the board of commissioners. This precinct gave Smalls 212, Elliott 4. It was too large a vote to allow a Republican whose defeat had been decreed in advance in that district, and was forthwith rejected, professedly because of the absence of the two Democratic managers.

The law of the State directs the construction of a railing about the approach to the ballot-box with an opening at each end for the voters' entrance and exit, fixes the time for opening and closing the polls, and directs the appointment of three managers to conduct the election.

But the statute nowhere declares that a failure to observe these directions shall vitiate the proceedings and void the election; it is therefore merely directory and not mandatory.

Irregularities are generally to be disregarded unless the statute expressly declares that they shall be fatal to an election, or unless they are such in themselves as to change or render doubtful the result.—*McVary Elections*, 2d ed., page 198.

The high privilege of suffrage nowhere in this country should be made dependent on the indifference and carelessness of some election officer in the discharge or neglect of some unimportant duty.

Election statutes are to be tested like other statutes, but with a leaning to liberality, in view of the great public purposes which they accomplish; and except where they specifically provide that a thing shall be done in the manner indicated, and not otherwise, their provision designed merely for the information and guidance of the officers, must be regarded as directory only, and the election will not be defeated by a failure to comply with them, providing the irregularity has not hindered any who were entitled from exercising the right of suffrage, or rendered doubtful the evidences from which the result was to be declared. In a leading case the following irregularities were held not to vitiate the election: The accidental substitution of another book for the Holy Evangelists in the administration of an oath, both parties being ignorant of the error at the time; the holding of the election by persons who were not officers *de jure*, but who had colorable authority, and acted *de facto* in good faith; the failure of the board of inspectors to appoint clerks of the election; the closing of the outer door of the room where the election was held at sundown, and then permitting the persons within the room to vote; it not appearing that legal voters were excluded by closing the door, or illegal allowed to vote; and the failure of the inspectors or clerks to take the prescribed oath of office. And it was said, in the same case, that any irregularity in conducting an election which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, or cast uncertainty on the result, and has not been occasioned by the agency of a party seeking to derive a benefit from it, should be overlooked in a proceeding to try the right to an office depending on such election. This rule is an eminently proper one, and it furnishes a very satisfactory test as to what is essential and what not in election laws. And where a party contests an election on the ground of these or any similar irregularities, he ought to aver and be able to show the result was affected by them.—*Cooley's Constitutional Limitations*, page 618.

There is no proof or charge of fraud at any of these precincts or in the returns made by the acting managers. They were rejected because

of the failure of the party friends of the gentleman from South Carolina [Mr. ELLIOTT] to do their duty. The votes of these five precincts should be accepted by this House. They gave Mr. Smalls 771 majority.

In the absence of the Democratic managers of the Congressional election at Biggin's Church, Gadsden, Sandy Island, Cedar Creek, Grier's, and Santee precincts, and in the unflinching presence of the Democratic managers of the State and county elections at each of these precincts, is plainly uncovered a preconcerted and well-arranged plan to steal this Congressional district. Further proof of this is found on almost every page of the record in the large numbers of witnesses shown to have voted at the State boxes upon the same state of facts, presenting the same certificates of registration and residence, upon which they were speedily rejected by the managers at the Congressional ballot-box. The way had been boldly blazed out prior to the election along which these officials were to pursue their unlawful course.

A little different plan was devised to dispose of 267 of General Smalls's votes cast at the Brick Episcopal Church precinct in Berkeley County. The supervisor of registration of this as in all other counties is a Democrat. The managers and clerks of election at Brick Episcopal Church were all Democrats. The county board of canvassers were all Democrats.

The town of Mount Pleasant, in this same county, is in the First Congressional district, and the Democratic supervisor of registration for the county made out a list of registered voters for Mount Pleasant precinct and Brick Episcopal Church precinct in the same book. Mount Pleasant is a village, and the voters are nearly all white men and Democrats. Brick Episcopal Church precinct is in the country, and the voters are nearly all colored men and Republicans. At the election November 2, 1886, Mount Pleasant polled 61 votes; Brick Episcopal Church 270. In order to insure the legality of the Mount Pleasant vote and in order to furnish an excuse for rejecting the Brick Episcopal Church vote the one book containing the two lists of registered voters was retained by the Democratic managers for Mount Pleasant and none furnished the Brick Episcopal Church.

Even the Democratic managers at the church were obliged to swear that the election was orderly and regular; that the voters all presented registration certificates and were sworn, and that no one voted who was not registered (on the book up at Mount Pleasant) and qualified to vote. The count and return was made pursuant to law. Robert Smalls received 267 votes, William Elliott 3.

The Democratic canvassing board rejected the precinct because there was no list of registered voters at the polling-place.

A mass of evidence was introduced by the contestee in this case to sustain the rejection of a large vote from the Brick Church precinct on St. Helena Island, in Beaufort County. The ground assigned for throwing out this precinct is intimidation and riot, rendering it necessary to close the polls.

A. E. W. Fripp, the Democratic manager who conducted the election, testified as to the character of the interruptions, as follows:

I have lived on St. Helena Island since 1882. We have about eighteen white and over nine hundred colored voters. The white men on the island are principally merchants and Democrats. I do not know of a single man who has ever left the island or quit his mercantile business on account of politics. I do not know of any person who was prevented from voting by threats or violence at the poll where I was a manager at the last (1886) election.

Jackson W. Brown (colored), clerk and supervisor at this precinct, testifies with reference to what transpired there:

I arrived at the polls at daylight and never left till all the votes were counted. There was no disturbance at the polls. Chance Green's testimony that George Rivers and Hastings Gantt went into the polls together, and that Gantt began to quarrel about Rivers voting the Democrat ticket, is not true; there was nothing of the kind. The poll was closed twice during the day, about five minutes each time—first on account of the voters having so much noise on the stoop; second, on account of more than one wishing to come in at the same time. After the constable was appointed to let them in by turns the noise all ceased and went all peaceable. The noise I speak of was laughing and talking. I acted as clerk, but was not at any time disturbed on account of the noise.

Chance Green (colored), the individual mentioned by this witness, furnishes the gentlemen upon the other side of this case with the great body of their evidence for rejecting this precinct. He possesses a luxuriant oriental imagination. He names many colored men present at this precinct on that day burning with a desire to vote the Democratic ticket, but who were prevented by the threats and violence by colored Republicans, and by the lavish use of money by these unscrupulous, wealthy ex-slaves. It is true that the men named by Chance Green deny on their oaths that they ever thought of voting the Democratic ticket, but that is a little circumstance that does not embarrass the gentleman from South Carolina [Mr. ELLIOTT] nor his friend Chance Green.

As an illustration of the facile and extensive play of Chance Green's exuberant fancy I quote the following paragraph from his testimony, cited by the committee in their report. Winding up a thrilling description of the horrors of this awful riot, beginning with a weak joke cracked by one colored man and ending in a mild laugh at it from the bystanders, which closed the poll and suspended business at that precinct for several seconds he continues:

Just after he opened the poll again Frank Jenkins got the Democratic ticket from me going up to the poll, and Cyrus Jenkins went to him and asked him, "What are you going to do with that ticket?" He said, "I am going to vote it." Cyrus said, "Not to-day; we Republicans intention not to let you Demo-



ocrats vote here to-day," and Sharper Rivers, that man sitting over yonder, he is one of the men said so; and then Frank Jenkins went off and a great crowd followed him, and when he got up on the platform Cyrus Jenkins went up to him and jerked the ticket out of his hand and tore it up, and pulled him down off the platform and said to him, "Frank Jenkins, do you think we are funny?" We do not intend to let you vote." And Sharper Rivers said, "No, don't let him vote," and Rivers had a good stick in his hand, too, and I was afraid of his stick myself. Then Frank Jenkins came to me and got another ticket and went to vote it, and then he went home, because they told him if he said there they would beat him on the road.

Concerning this interesting little episode, in which he is made so conspicuous a figure, Mr. Frank Jenkins (colored) testified:

I was not at the Federal poll held at Dr. Peters's office, on St. Helena Island, November 2, 1886. I was out in the road; not at the poll. I know Chance Green. I did not meet him in the morning on election day; I met him in the evening. He did not give me an election ticket. I had no use for a ticket. I had no register paper. I did not ask him for an Elliott ticket that day. I had no register ticket and I could not vote without one. I did not attempt to go to the polls. I did not cross the side of the ditch. Cyrus Jenkins never pulled me off the platform. I was not on the platform. I never saw Sharper Rivers that day. I never heard such an expression used as beating anybody. It is false that I went home for fear I would be beaten on the road for supporting William Elliott for Congress. I could not support him nor Mr. Smalls. If I had had my registration certificate I would have voted for Mr. Smalls.

This precinct, thrown out for intimidation and riot on such testimony as Green's, cast 503 votes for Robert Smalls and 45 for William Elliott.

Several witnesses besides Chance Green were produced by the gentleman from South Carolina [Mr. ELLIOTT] to prove that a policy of general intimidation over all Beaufort County was pursued by Robert Smalls and his party friends. While it may not explain the source and inspiration of that evidence, yet gentlemen who have read their testimony and that contradicting it will have acquired such an interest in some of the more important of contestee's [Mr. ELLIOTT's] witnesses upon this point as to feel some concern as to their subsequent history.

Five or six of these witnesses are paraded in the committee's report, and have been quoted by every gentleman who has spoken on that side. I thank the chairman of the committee [Mr. CRISP] for going outside the record and furnishing some testimony as to the present situation of politics and persons in that district. It fully warrants me in giving this House some facts respecting these half dozen of their most important witnesses.

Mr. J. C. Mardenborough (colored), who furnished pages of original and striking evidence, was afterwards appointed a railway postal clerk on the Charleston and Jackson Railway.

Mr. F. D. J. Lawrence (colored), whose testimony if not so original was still very voluminous and valuable to the contestee, received an appointment from the authorities of the State as a trial justice, a position worth some money and of unlimited power in that State to an unscrupulous man.

A. B. Colonel (colored) is still doing business at the old stand as constable to a Democratic trial justice. They have come to agree on politics.

Felix Bonner (colored), a sturdy witness who handled facts in such a reckless manner as to charm the contestee's friends, has been given a place in the custom-house at Coosaw, S. C., since testifying in the case.

Z. E. Sawtelle did not get a good place, or at least there is no record of it. He died shortly after testifying.

And the oft-quoted and never-to-be-forgotten Chance Green, after his heavy work as a witness for contestee [Mr. ELLIOTT], finds sweet and profitable repose in the Treasury Department under this Administration, and he may be beaming upon me at this moment from that dark cloud in the gallery for aught I know. Whether these witnesses and probably many others secured their places through the Civil Service Commission upon merit, or through the influence of some individual for some service rendered, I do not know. There they are and there we will leave them—at least for the present.

The next feature of the performance in the Seventh district to which I ask your attention is counting votes for contestee not cast for him at all. This was accomplished by the old trick of stuffing the box and then drawing out the votes actually cast for Smalls as "excess" and counting the illegal ballots for Elliott. General Smalls selects three of the precincts where this was done and proves it clearly and emphatically.

The first is Pocotaligo precinct in Beaufort County. Here, as usual, the managers and clerk were all Democrats. The poll-list shows that 143 men voted. When the vote was counted it disclosed an excess of 148 ballots. The count was conducted by the Democratic managers. The disposal of the surplus ballots was managed by the same gentlemen.

The process is described by S. J. Bampfield (colored), from whose testimony I quote:

Q. Did you witness the count? And if so, state whatever facts came to your knowledge or observation in reference to it.

A. I did; in the afternoon my suspicions were aroused by the apparent nervousness of the managers, especially Mr. Frampton, the chairman, and the circulation by them of certain rumors to the effect that the votes in the box were tied, and that certain Republicans who were loud-mouthed for Smalls, the Republican candidate, were secretly voting for William Elliott, the Democratic candidate. As I crossed the piazza to enter the room where the voting was going on I overheard a conversation between Mr. John Frampton, the chairman of the board, and Mr. H. W. Richardson, collector of the port of Beaufort, as to how to dispose of the excessive votes in the box. Soon after Mr. Frampton announced that the room would have to be cleared and that the counting would proceed. I asked him if any citizens would be permitted to witness the count; he said that I might stand at the open door, but that I couldn't remain in the room. He

did, however, permit Mr. H. W. Richardson, collector of the port of Beaufort; the paymaster in the United States Navy, James L. Morrison; a boat-hand in the custom-house; and others, who I think were State constables, to remain in the room. The open door in which I stood was not more than 4 feet from the table on which the box was placed, so that I could witness the count.

Before opening the box Mr. Frampton directed that the light, which was but an apology then, should be removed from the table on which it stood by the box to the mantel-piece. His position was, one hand on the box, the other directing the removal of the lamp; reminded one more of a necromancer about to perform a feat of legerdemain than an officer performing a sworn duty. He finally opened the box very carefully and proceeded to take out the ballots. After taking out 143 ballots, laying them one upon another, face down, corresponding with the number of names on the poll-list, he stated that there were more ballots in the box, and that he would have to return the 143 ballots to the box and that some one with his back to the box should withdraw the excess and destroy them, in which opinion Mr. Henry Mew evidently concurred. I called his attention to the fact that he couldn't know the excess of the ballots in the box until all of the ballots were counted, and that, therefore, he did not know how many ballots to destroy. They both still insisted that that was the proper manner to dispose of the excess. The paymaster suggested that the proper way was to destroy all the ballots left in the box, and count the 143 already drawn out.

All the Democrats present except the supervisor, Mr. Hammond, and Mr. Richardson, were opposed to counting all the ballots in the box, and thus to expose a glaring fraud. After considerable discussion Mr. Richardson came to my rescue, stating that I was right, that the law required that all the ballots should be counted, to which the managers reluctantly consented. Upon counting the remaining ballots in the box there were found to be 148. All the ballots were then returned to the box, and Mr. Frampton, turning his back to the box, drew out the 148 which were in excess, which were destroyed. It was then found that of the ballots remaining in the box there were 87 for Elliott and 56 for Smalls. The ballots that were taken out—the 143—were laid on the table, were mostly clean and lightly folded, so that they lay comparatively smooth on the table, indicating that they were never voted singly. During the removal of those ballots from the box I noticed that they were apparently folded together in a large bunch, and called the managers' attention to the law about ballots being folded together, and noticed that subsequent to that Mr. Frampton's hands were put lower down in the box, so that I couldn't see what he was doing. He destroyed two Elliott ballots folded together after I had spoken to him.

The names of the Democratic managers and the Democratic clerk who conducted this performance, are John Frampton, Henry Mew, J. W. Hill, and M. C. Hammond. Neither they nor any other of the partisan friends of contestee [Mr. ELLIOTT] were called as witnesses. They sent their return to the canvassing board giving Elliott 87 and Smalls 56 votes. One hundred and eighteen legally qualified voters at this precinct swear they voted for Smalls.

The second precinct offered by contestant in illustration of this practice is Providence precinct, Sumter County. As usual the managers were all Democrats. They returned 119 votes for Elliott and none for Smalls. When the polls closed there were 119 names on the poll-list. When the ballots were counted 199 were found in the box.

Robert Mahoney, a supervisor, explains in his testimony how easily Democratic managers of election in South Carolina can dispose of a few Republican votes.

Q. Where were you at the close of the poll that day?

A. At the polls in the house.

Q. After the polls were closed what was done by the managers of election?

A. The votes were counted by the managers. I saw Mr. Kingman, one of the managers, count the votes and give Smalls 39 in the count, and Elliott 160 votes, after which the votes were returned to the box, and a boy drew out of the box from the number all of Smalls's ballots and other votes besides what they gave to Elliott all that was left, 119 votes.

Q. How did it happen that all the ballots for Smalls were drawn out of the box?

A. Because Smalls's ballots were placed on top of the box, and the boy drew them out.

R. H. Richardson (colored), a constable at that precinct, testified in reference to this affair. I quote from his evidence:

I was at Providence poll by my watch from 6 a. m. until the polls closed that evening and until the votes were counted. After the closing of the poll John Kingman proceeded to canvass the votes; he placed the votes cast for Smalls on one side of the box outside, and those cast for Mr. Elliott on the other. When he saw that there were more votes in the box than the poll-list called for he placed Mr. Elliott's vote in the bottom of the box, then pushed the Smalls vote on top of those, and had a boy to draw every Smalls vote out without stirring them up. The other man, Mr. C. L. Williamson, refused to sign the Democratic return—he was the Democratic supervisor—claiming that it was not fairly done; there were 39 Smalls ballots, not one Elliott, thrown out, and no Smalls ballot was left in the box.

This testimony all stands without a contradiction. There is no certain proof as to just what the legal vote of this precinct was, and the glaring fraud perpetrated by the officers clearly voids the election at this precinct.

Green Pond, Colleton County, the third precinct in this chapter of frauds, is simply a repetition of Pocotaligo with variations. The managers and officials were all Democrats. After closing the polls they excluded the public from all view of the ballot-box for ten minutes while they juggled with it in the back room of a store. Then they counted the vote and credited Elliott with 160 and Smalls with 35 votes. One hundred and thirty-four witnesses, whose testimony covers nearly sixty pages of this record, swear they voted at that precinct for Robert Smalls for Congress. True, some of them were too ignorant to read their ballots, and under the badgering cross-examination of contestee's lawyers are betrayed into some apparent contradictions, but no fair-minded man can read all the evidence and escape the conviction that 99 of Smalls's legal votes were exchanged for 99 illegal Elliott votes during the ten minutes the managers were in the back room alone with the ballot-box.

In some precincts of the Seventh district they have made no advance



at all over the old methods. Notable examples of this slow development are found in the evidence relating to Adams Run precinct, Colleton County, and Fort Motte precinct, in Orangeburgh County. Here there seems to have been a lack of special talent and they resorted to the old-fashioned Southern plan of simply stealing the ballot-boxes after the election was over.

However, secondary evidence of the result at these two precincts establishes the fact that Smalls received 177 votes at Adams Run and Elliott 37; and that at Fort Motte Smalls received 236 votes and Elliott 58.

#### RESULTS OF THE SYSTEM.

A careful examination of the evidence of this case under the law must make it plain to any unbiased man that Smalls is justly entitled to 2,401 more votes than were given him by the board, and that Elliott's vote should be increased 151 and reduced 280—a net reduction of 129. This monstrous wrong was consummated by preventing the registration of men entitled to register; compelling the colored voters to go long distances; refusing to see them as they stood before the registration office in respectful waiting day after day; refusing to hear them as they plead and begged to save their citizenship. It was consummated by preventing registered voters from voting, usually rejecting the vote without any explanation or offering an excuse so unreasonable and arbitrary as to clearly prove their determination to disfranchise the colored Republicans; plying the colored voter with smart questions and receiving the white Democrat's vote without even a certificate; appointing Democratic managers to conduct the election who refuse to appear at the polling-places where there are large Republican majorities; purposely neglecting to supply strong Republican precincts with their lists of registered voters, and then rejecting the entire precinct because the lists were not supplied. It was consummated by reversing the result on the count and return; rejecting the vote of entire precincts upon silly pretenses of riot, based on the wicked lies of witnesses who afterwards secure fat offices; stuffing the boxes with illegal Democratic votes, then rejecting the Republican votes as excess; and finally, by boldly stealing the ballot-boxes of Republican precincts.

Stop a moment and think of the application of this system and how easy it is to accomplish the result contemplated by its projectors. Sometimes the colored voter making his way along the tortuous, winding course prescribed, preliminary to voting and in preparation for it, wearies before he reaches the polling-place, for at every turn those whose sworn duty it is to assist him, and who perform that service with fidelity to all Democrats, purposely and persistently mislead the Republican and rejoice over the consequent blunders which bar his way to the ballot-box. And when after many failures, quick to learn even in this hard school, he is finally possessed of the necessary credentials and reaches the august presence of the Democratic managers of election, ready to deposit his ballot, standing before them alone, with no political or personal friend present to counsel him, if he is not cheated into placing his ballot in the wrong box, and actually lodges it where it belongs, it will certainly be rejected in the count because it is "soiled or mutilated," or not "properly folded," or be drawn from the box as "excess." Or if the count shows a sufficient Republican majority to make it worth while the entire poll will be rejected because a "quorum" of Democratic managers did not conduct the election, or were not "properly sworn," or some technicality was purposely not observed in making out the return. One thing is absolutely certain, in the "New South" the way is always prepared in advance to keep the Republican vote down and to keep it down under color of law.

Here, then, in the sworn testimony of this case, in the cunningly devised, infamously executed election laws of this State is laid bare to the world the last conspiracy of a too often disloyal people against their Constitution and their country. It is not open rebellion this time, but a sly, covert nullification of the highest law of the land. It incurs none of the risks of armed assault, escapes the personal dangers and swift public indignation of organized violence and intimidation. It is outrage embellished and refined. It is lawlessness systematized and, if possible, legalized.

It has accomplished the same results all over the Southern States which it so easily secured in the Seventh district of South Carolina. In States where the law is just and fair, the villainy is perpetrated in its construction and enforcement. Though the system varies in form it does not in operation and results. From the bloodhound and the raw-hide, the bludgeon and the shotgun, to the South Carolina election law and its wicked execution, is but a little step. The transition was easy and natural. It was not so noisy and it was cheaper. It had everything to commend it to an intelligent and unscrupulous minority.

Its results must be eminently satisfactory to the political leaders of the South. Confused, baffled, discouraged, cheated, the colored vote of the South has quietly and speedily disappeared from the returns. There has been no clash of arms, no New Iberias, no Hamburgs, no vexatious newspaper reports, no annoying investigations—silently, but fatally to the colored Republican vote, the new election methods of the South, or the election methods of the "New South," have done their perfect work. In the State of South Carolina alone, 78,046 Republican votes have disappeared from the returns since 1876.

So long as it was a policy of intimidation and violence, and even occasional murder, it was not so dangerous. It carried with it its own ulti-

mate cure. It would in time yield to the influences of civilization; go down beneath the overpowering weight of decent, humane public condemnation. But no sooner was it accepted that kukluxism could not always survive than the skilled, adroit, political leaders of the South devised a system which, with unscrupulous officials, would wipe out the constitutional amendments effectually. They gave it solemn legislative sanction, followed by shameless, odious, atrocious execution. They stole the sacred livery of the law to clothe and mask disloyal violators of the Federal Constitution. They made the Democratic party of the South accessory to the crime. They debauched and degraded the State, broke the oaths taken when the flag of secession went down in the wreck of rebellion, smirched the little remnant of honor which they carried back with them from Appomattox.

What has it yielded? Through it they have ruled States, they have controlled in national politics, they have acquired undue representation, they have greatly wronged the North. But they have done infinitely worse and more than all this. They have written in enduring forms in their statutes, in the records of their courts, made a part of their political history, worked into the thought and life of people by the millions—old and young, wise and ignorant, white and black—the pernicious, monstrous, damning creed that law is the legitimate weapon of the wrong-doers that the desires of the individual are more sacred than the honor of the country; that violation of the Constitution is commendable; that the ballot, the American citizen's ballot—his defense, his power, his shield, his sword, his hope, his prophecy—is the lawful spoil of any desperate political opponent. [Applause on Republican side.]

This is what they have done and are doing every hour. This is the enormous crime which they are committing against this people and posterity. In the midst of ignorant millions just acquiring a primary knowledge of the duties of citizenship, it is appalling to contemplate the awful consequences sure to flow from this sweeping destruction of all political integrity from this twisted, deformed conception of the law and its sublime office to humanity.

But a little time has passed since the South indignantly denied that they suppressed the Republican vote or cheated in its count. The North, ready to take the most comfortable, quieting view of troublesome questions, silenced every reference to it with the cry of "The bloody shirt!" Now they are shocked by the public announcement from the South that this is a "white man's government," and startled to find the doctrine defended where it should be denounced and abominated. It is the inevitable course of crime. The wrong doers succeed. They grow reckless; they are suspected; they deny; they protest their innocence. They are caught in the act, confronted with the proofs, driven to bay. Then they grow desperate, defiant. Then they admit the crime; they boldly plead self-defense; they impudently plead justification.

With one voice the press of the South to-day seems anxious to convince the country that there has never been any attempt to deny or conceal the fact that the negro vote was suppressed. They strive and vie with each other in announcing themselves as bold and courageous in their defiance of the law, as determined, unyielding violators of the Constitution, and they even openly demand public acquiescence and justification.

Sir, I believe the time has come when the truth should be plainly spoken. For nearly a quarter of a century the North has yielded, acquiesced, submitted, and patiently waited. From the hour of defeat the South has been the recipient, the thankless, sullen, defiant recipient of beneficence and liberality at the hands of the North. In victory they levied no tribute, demanded no satisfaction. They assumed and have paid the bulk of the war debt. They have poured out national treasure and individual wealth to build up the broken and shattered South. Calamity has never befallen them but that the generous hand of the North sustained them in their need.

Nothing like it can be found in all history. The South went unpunished for their treason, and have complained that the North alone is benefited by pension appropriations. They laid down their arms, not their opinions, and went back to teach their children that the South was right. They were restored to political power and used it to wipe out the constitutional amendments and punish the North.

Granting all that the South claims—that the war robbed them of their wealth by emancipation and threw upon them the burden of millions of ignorant citizens; granting all this, what plausible excuse can they offer for the outrage and wrong committed? What reasonable defense can they make for the present situation in the South?

"We are doing just what you would do under the same circumstances" has become the common and ready retort to every protest from the North. It is possible that we do not understand each other.

If you mean that any other portion of this country not trammelled by your prejudices, not embittered by your experiences, confronted by the same problem, would deal with it as you have—if you think there is anything in the existing conditions to exonerate or palliate your conduct, you seriously, gravely err. Your action may be explained, may be condoned; it can never be justified.

Make the Northwest, if you will, a battle-field for four years, deprive its people of all their chattels, leave them only their lands, and place in their midst four million ignorant, undeveloped Negroes with no property



and no training except that of tilling the soil, you would not from that hour on find the strength and intelligence of the Northwest devoting their energies and their power to terrorizing and repressing the vote of the weak and the ignorant; you would not find the people of the Northwest a quarter of a century later living in their past, complaining of broken fortunes, comparing what is with what was. Long before that all trace of war would have disappeared; the idle labor would have been utilized to rebuild the country and restore its fortunes, schools and teachers provided, the ignorant educated and elevated.

What was Dakota ten years ago? What constitutes its wealth, except the land and the labor bestowed upon it by a law-abiding people? A wild unbroken prairie transformed into a great and prosperous State, farms with comfortable homes, schools in every district, thriving towns and cities always in sight. The flood of foreign immigration speaking a different language, born under other skies, loving another flag, and another history, welcomed, taught, assimilated, and transformed into the hardest, highest type of American citizenship.

The colored people born upon American soil, speaking the English language, loving this country, knowing no other, idolizing the Southern people, most of them of Southern blood; this people who had been trained to do all the manual labor of the South, who understood its soil, its climate, its products, who had made the sunny South what it was in "the halcyon days before the war;" this people who had been faithful servants to proud masters for centuries, who had been the companions, playfellows, nurses, and guardians of their children, who had remained at their posts while a war was waged for their freedom; this people with their deep affections, their strong attachments, their fine emotional nature, and their impressionable character, anxious to learn, willing to be led—this people, though unlettered, though laboring under the disadvantages of a race suddenly released from bondage, nevertheless offered material that might in a generation of time have been molded into American citizens of which any section of this country might be proud.

No, gentlemen, there is nothing threatening or portentous in the Negro problem to-day, either for you or the rest of the country, excepting as you make it so. The difficulty does not lie with him, but with you instead, in the blind prejudice and stubborn antagonism, ever opposed to his development politically and socially as a citizen.

You say, in justification, that the Negro is ignorant, inferior, incapable of growth. Is he not willing to learn? Are you willing that he should? If you are anxious that he should learn, why have you hindered rather than helped him? Why have you ostracized Northern teachers, who make such sacrifices to educate the colored people?

Do you encourage them in the acquisition of property? Do you pay them what their labor is worth in cash, or does a system of rental and store-pay prevail, which is designed to always keep them poor? Do you sell them land at a fair price? Do you aid them to build and own homes?

You say the Negro is not progressive. Secretly do you not fear that he is? Is it against the dull and submissive that you feel the keenest resentment—direct your hardest blows? Or are they aimed at those who, like Robert Smalls, have shown intellect, courage, and determination to lift their people to a higher level and maintain their rights as freemen?

Blinded by passion and prejudice you may refuse to accept it, but the historian will place the responsibility of any evil consequences that may flow from this war against the colored race where it belongs. Admitting that the rebellious States had heavy burdens to carry, the disinterested student of facts will find no problem presented by the situation that could not have been solved successfully by earnest, honest endeavor.

If the colored people had been fairly treated, if they had received kindly recognition, if they had been provided with schools and books and teachers, if they had been given an opportunity to make homes for themselves, if their labor had been properly rewarded, who doubts that the progress they would have made in twenty-five years would have astonished the world?

The fact that, in spite of all effort to retard or suppress the negro, he has made much progress should awaken the South to an appreciation of the folly of the course they are pursuing.

The next census will show the colored race in a majority in five, possibly seven States. They are shaking off the spell of cringing submission stamped on them through two centuries of slavery. They are climbing higher and higher. Every hour of self-dependence sharpens their faculties, broadens their understanding, adds to the sum of their knowledge, develops their spirit of independence and strengthens their courage. Wait a little while, not long will they wear the shackles of this second bondage; not long will they submit to the despotic control of an arrogant minority. The majority will ultimately control in every quarter and corner of this Government. What then would you say if there should come to that majority in your section the natural desire to pay you back in kind? What then could you answer if they turned upon you crying:

The villainy you taught us we will execute, and it shall go hard, but we will better the instruction.

[Applause on the Republican side.]

Oh, men of the South, sharers in our common heritage of self-gov-

ernment and personal liberty, in the name of a late past crowded with bitterness and anguish for us all I entreat you to stop. For the sake of your own peace and honor go no further in this infamous business. You can not justify it, you can not defend it, you can not sustain it!

The hour is at hand when the people of this whole country, by an overwhelming majority, will make it their first business to secure and preserve the representative character of this Government. The South can not any longer afford to oppose that principle. [Applause on the Republican side.]

To-day an opportunity is presented the Democratic party to place itself on record against the election methods of the South; to rebuke here and now the outrages committed in this district; to answer with plainness and patriotism the great question which has come to mean something to the thoughtful loyal men of this country. In the closing days of your administration of this Government, the last hours of your control of this House, give this colored man, this former slave, this leader among his people, who has spent nearly all the earnings of his life since freedom contesting for the rights of which he has been cheated; give to General Robert Smalls, whose distinguished services for the Union and against rebellion, whose skill as a political organizer of his people and courage as a defender of the civil rights of his race early marked him for persecution and defamation; give to Bob Smalls, who as a slave, seized with high military courage and judgment the critical moment to capture with his own hands a Southern transport steamer, turn her prow to the North, run her past Confederate forts and under rebel batteries into the Union lines and turn her over to the Union Government—a daring achievement that will live in history after all who hear me are dead and many of us forgotten; give to this old man, this old soldier, the seat on this floor to which he was honestly elected November 2, 1886. [Applause on the Republican side.]

The Republican party here has nothing to gain or lose by the decision in this case. But feeling for this man as I do, knowing what it means to him, knowing how he has suffered, I could, if it would avail, lie down and beg for that justice to which every man in this House knows he is entitled. [Applause on the Republican side.]

Mr. LODGE. Mr. Speaker, it is always a pleasure to me to listen to my friend from South Carolina [Mr. HEMPHILL], because he is always interesting, always honest, and always pleasant in what he says. The illustrations that he has been using have been amusing, but the argument is not a new one; it is the old, old answer to a difficult question that "you are another." It is the argument that because one wrong exists in one place we may meet it and balance it by saying that another wrong exists somewhere else.

Two wrongs, Mr. Speaker, never made a right, and they never will. Because the fundamental right of the black citizen of the United States is torn up by the roots in South Carolina, it is no answer to say as a justification of it that there are here and there instances of race prejudice against him in the North. I do not stand up here to falsify the facts of history or assert that the conduct of the North towards the black man in all the years that have gone has been without fault or without mistake.

I know very well that there was a time when the North bowed to the dictates of the South and did wrong to the black man in its own way just as much as the South did. I know that there was a time, and an accursed time, in my own State, when "Massachusetts, God forgive her, was a' kneeling with the rest," when she mobbed Garrison in the streets of Boston and sent Anthony Burns back at your bidding into slavery. But she atoned for all that, Mr. Speaker, in the blood of her best and bravest, shed on every battle-field of the rebellion, and the flower of her youth led the black man to fight for his country in the uniform of the United States. You can not now turn about and cry out against the "black laws" which were placed upon Northern statute-books in deference to your bidding. You can not face round now and try to alter the great facts of history with such retorts as these. It was the North whose armies marched into the South and gave freedom to the black men. It was a Northern man who put his signature to the emancipation proclamation. It was the Republican party which placed upon the statute-books the laws which have given to him his freedom and his rights. These are the great facts of history. You can not alter them, and the black man is a Republican to-day because he knows that those are the facts of history. There may be mistakes, there may be instances of race prejudice in the North towards the black man. If there are, every right-thinking man in the North regrets them and wishes to see them stopped. But that they should exist here and there does not excuse the refusal of the right of suffrage in the Southern States of this Union to-day. It is no answer to say that because a group of men in this place or that manifest an unworthy race prejudice, therefore you are entitled in the South to deprive the black man of the rights guaranteed to him by the Constitution.

Now, Mr. Speaker, I have no intention of going over the details of this case. It is a typical case, and it is in that view alone that I propose to discuss it. Here is a district made up to send a Republican, made up of the black vote, and gerrymandered especially for that purpose. That district has been stolen. Not even in that carefully-prepared district could the negro be allowed his rights. Everybody knows the



facts that I am going to state. When we pass off this floor and behind that screen, no man, North or South, would deny the facts, but here it is thought necessary on the other side of the House to demonstrate from time to time the great affection that is felt for the negro by the Democratic party. I confess that I think there is nothing more inspiring or interesting than to see a member from the South, on a contested-election case, declaring, with tears in his eyes almost, the affection that he and his friends feel for the negro. [Laughter.] I know of nothing equally impressive unless it be the display of feeling that we have had about "trusts" during the recent tariff debate from those gentlemen who pose as the especial friends of the people. [Laughter.]

The chairman of the Committee on Elections [Mr. CRISP] a few days, or rather a few weeks, ago, when he was protecting the power of the minority against the assaults of a feeble majority, declared with great heat that it was not fair for gentlemen living 3,000 miles away and reading a partisan newspaper to pass judgment upon the elections and the voting in the Southern States. I suppose that that was simply a figure of speech, because a gentleman 3,000 miles away reading a partisan newspaper would be living somewhere in the neighborhood of Mount St. Elias, or else on the shores of Baffin's Bay or among the Esquimaux. [Laughter.] The opinions of those gentlemen I do not undertake to defend. We must take it as one of those flights of fancy which this subject is sure to occasion in the well-regulated Southern mind. But when the gentleman tells us that an election is full, fair, and free in a State which elects ten Congressmen with a total vote only 1,000 greater than was cast in my own single district of Massachusetts I do not believe that he can convince any one that elections exist there in the way in which they exist everywhere else in this country. I was reminded, when I heard him speaking, of the very old story of the Englishman who was crossing the plains many years ago and who got off the stage at one of the way stations, went into the saloon and up to the bar, and said to the barkeeper that he would like a nice breakfast, a poached egg, a bit of steak, a little coffee, and so on. The barkeeper looked at him across the bar for a minute, then reached round, drew out his revolver, covered the intending customer with it, and said, "You'll eat hash." [Laughter.] I have not any question that in the opinion of that barkeeper that gentleman had a full, fair, and free breakfast, but I question very much whether that was the view of it taken by the traveler himself. [Laughter.]

It is a good deal better in discussing this question to be fair about it. A system of election which results in the election of many members of Congress by a vote of 1,700 without opposition is not an election as Americans understand the word in this country, and to say that it is so because everybody votes the same ticket is simply to say that human nature does not exist in those States. Party differences lie deep down in the roots of human nature, and men differ in politics as they take a conservative or a progressive view of public affairs. That natural tendency exists in the South as it exists elsewhere. The votes are not cast there because it is useless to cast them, and the reason it is useless to cast them is, to take the statement of those gentlemen themselves, that it is essential to the preservation of civilization and of all that men value to suppress the vote of ignorance and illiteracy. If the line were drawn on ignorance and illiteracy, or even if the line were drawn on property, which we disapprove as not consonant with American ideas, yet we could not, under our Constitution and our laws, find fault with it. But it is not a question of ignorance; that statement is a mere pretense. The objection, as I have heard it stated, to making an educational qualification is that it will exclude an ignorant white man as well as an ignorant negro. In other words, the line is drawn on race, on color, and on the previous condition of servitude.

Now, the desired result of keeping the black man a political serf and depriving him of his rights is reached in various ways. Sometimes it is by the ingenious construction of the election laws, as in South Carolina, where those laws are as much designed to produce a free election and provide for the protection of the franchise as the rules of thimble-rigging and the statutes of three-card monte are designed to promote a fair game of cards. They are framed for a particular purpose, and they answer it well. Sometimes the suppression of the vote is attained in other ways, such as counting out; sometimes it is by stuffing ballot-boxes, and sometimes, as in the recent election in Arkansas, the ruling party begin with the violent plunder of the ballot-box and end with the murder of the contestant when he seeks to establish his rights. The trouble with that system is that you can not confine it, and that it will never solve your problem. You can not teach a whole generation of people that they must be honest and decent in their lives, but that in one thing it is praiseworthy to use fraud, force, or perjury, or do anything necessary to carry an election and not affect thereby the tone of public morals. The disease is one that is sure to spread.

I have a collection of extracts from Southern newspapers, which I will print with my speech, showing that the poison has spread into your own primaries, and that there are complaints in your own caucuses of this disregard for a fair vote and of fair elections. It has not stopped there, but has still gone on. We have seen that after the elections for the next Congress it was gravely proposed that governors of various

States should withhold the certificates from members elected on the face of the returns. The secretary of state of Tennessee is now withholding a certificate or putting obstacles in the way of the certificate being delivered to the man elected on the face of the returns. The governor of West Virginia has issued certificates to two Democratic Congressmen elected on the face of the returns and is withholding them from two Republican Congressmen elected on the face of the same returns. Do you suppose the people of the North are going to submit to such things as that? These acts are the plainest usurpation and the most absolutely revolutionary steps that can be taken. You thus have undertaken to seize the powers of this House to judge of the election of its members and to leave to the governors and secretaries of state to say what shall constitute the majority of the American Congress. It is a part of the same evil system, and there is more even than that. The only guaranty of our institutions is in the belief of the people that the elections are fair. There are millions of voters in the Northern States who do not believe to-day that there is such a thing as a fair election in certain States of the South. This is a perilous belief. It is beside the question whether they are right or wrong in holding it. If you impair the confidence of the great masses of the voters of this country in the decision of the ballot-box the end of this system of government is not far off. It is not enough that the elections should be fair. The masses of the people must believe them to be fair and above suspicion. In the Northern States I am perfectly aware that, as in all free elective governments, there are abuses. I know there is more money spent on both sides than there ought to be.

I suppose that here and there there are cases of cheating. But these things are sporadic. They are not parts of a system. Throughout the length and breadth of the Northern States the elections as a rule are honest. Men of both parties believe in the result as declared at the polls; and all this talk that has been made about money is confined to one or two of the close States, and one party is as guilty as the other. I do not defend the use of money, for it is an evil and a danger. But the matter as it has been brought into this debate is a mere question of crimination and recrimination. You cry out that the manufacturers gave money for the support of the Republican party. The money of the manufacturers is no worse than the money of the railroad kings who ran your campaign, or the money of the Standard oil and the sugar trusts. It is just as bad with one as with the other. It is the duty of all decent men to strive to stop the improper use of money, whether it is contributed by the cotton-spinner or the iron-maker, or whether it is by the men who run saloons or who form the whisky ring. We want to get rid of all these evils in our Government. The general feeling in the Northern States is in favor of getting rid of all these election abuses so far as may be, and we are setting about it now. But to charge the use of money does not meet the wrong now under discussion. We must have fair elections in the South, in the North, in the East, and in the West. It has become the duty of the United States to have such election laws as will secure to the election of all Federal officers the guaranties that we have now in the great mass of the States of this Union. This is not a question of the bloody shirt nor an old war issue.

Mr. OATES. Will the gentleman permit me to ask him a question?

Mr. LODGE. I have not the time to yield. It is the issue of to-day and of this moment. It is not the cry of the war issues on which Northern men are elected, it is not the issue on which Northern districts are contested, and has not been for years.

Mr. OATES. Will the gentleman allow me a question?

Mr. LODGE. I can not yield. The gentleman can obtain time.

Mr. OATES. I want to ask the gentleman a question for information. [Cries of "Go on!" "Go on!" on the Republican side.]

Mr. LODGE. This cry of war issues, so far as we hear it, is confined to the Southern States. Let me say that a speech of such a character as was made by the eloquent gentleman from Virginia here yesterday would not do for a candidate for governor in Massachusetts. He would simply be laughed out of court. But no doubt the gentleman knows his home audience, and his ability is such that I suppose he judges it rightly, but I can only say that that is not the kind of speech which would do with us.

These old issues, these appeals to State jealousies and sectional prejudices, are issues the people of Massachusetts at least—and I believe that it is the feeling of the North—are only too glad to have buried out of sight forever. Massachusetts, to which allusion was made by the gentleman from Virginia, entertains no hostile feeling towards her sister States. She has no desire that her Representatives should seek to make political capital by assailing other American communities with out-worn accusations. When earthquakes shook your cities, when flood and pestilence attacked your people, when your colleges and schools have come for aid in education, Massachusetts has never been deaf to your appeal, her heart has never been steeled to the cry of distress, and, God bless her, it never will be. But she wants to see right done to all men, whether their skins are black or white. [Applause on the Republican side.] She wants to see the Constitution lived up to. She knows what her own history has been on the slavery question. There it is for all men to read. No slave since the Constitution of 1780 has



ever had his foot on Massachusetts soil under Massachusetts laws. There she stands, contented to have her record pass into history for the verdict of mankind.

She asks now (and I believe she represents the feeling of the North) that we should have the same fair elections through the South that we have in the North. The North means to insist upon it. We have been too careless, too tolerant, too easy-going; and this debauchery of elections, this striking at the fundamental right, is creeping on and getting dangerous. People in the North, who for the last ten years have passed it by unheeding, have within the last six months come to take an entirely new and a much more just view of the subject. It is the determination, I believe, of the Republican party and of the North to secure fair elections.

I have heard denunciations of United States bayonets and United States supervisors interfering with elections in the States whenever a just and proper election law is talked of. I am perfectly willing that there should be a United States supervisor, and, if necessary to secure a peaceful and honest election, a file of United States soldiers at every polling place in my district. I am not afraid that they would intimidate anybody. I am not afraid to have them look over the election there or see how the people in my district vote, for the voting is honest and so is the count. What is fair for one is fair for all. I have no wish to see elections protected by armed force anywhere. I deprecate and dislike it as much as any man, and I trust that the good sense of the South will render it needless. I dislike it because any force at a popular election is un-American, but the spirit which makes force needful is far more un-American than the force itself. If we must have force at the polls I prefer the force of law and order and of the United States to that of the "long-haired promoters of civilization poking their shotguns in voters' faces," whom my friends on the other side so much admire. The North has no desire to see bayonets at the polls, but the North means to have the Constitution and the laws enforced in letter and spirit, and law is powerless unless on the last appeal the force of the Government is behind it.

This case is, as I have said, a typical case. If you will do justice to Robert Smalls you will show that you are ready to deal with this whole question in a fair and enlightened spirit. The problem is not yours alone; it is ours as well. Your prosperity is our prosperity; your misfortune is our misfortune. We are all bound up indissolubly in one great Union; one can not suffer without all suffering. We ask you simply to do justice; not to draw the line upon a man because his skin is black; to have your elections free, fair, and open, so that they shall command the confidence of everybody. We ask you to join with us in making an election law which shall give that guaranty to the country, and which shall make every man know throughout the length and breadth of the land that, when the votes are counted, they are counted as they were cast, and that the poorest man and the humblest man, be he black or white, of what race you please, has secure and impregnable the right on which our institutions rest—the right of "a free ballot and a fair count." [Applause on the Republican side.]

I append the extracts from the Southern Democratic newspapers to which I have already referred:

[From the Columbia Register.]

The Register believes this solemn matter of fair elections is the most important of all public questions in the whole country, and it believes that reform, like charity, should begin at home. The plan of the Register is not for the negro. It is for society. It is, if anything, more for the white than the colored race. Cheating and swindling can not go on at elections and be kept there. Besides, the cheating and swindling in elections is a greater crime against society than in the private affairs of life. This cheating in elections and being honest after it is like forging a will in the interest of the party administering it, and then claiming the benefit of honestly administering it.

[From a published address of Lexington County Democrats.]

With mingled feelings of shame and indignation we Democrats of Lexington County come before the good people of the county with our grievances. In the recent primary election held in this county fraud the most glaring was shamelessly perpetrated by the supporters of a combination of candidates who will go down to history in the annals of Lexington County as the court-house ring. The supporters of some of the successful aspirants in that contest, forgetful of all personal honor and ignoring all patriotic considerations, steeped themselves in political infamy by stuffing the ballot-boxes, voting fictitious names, riding from poll to poll over certain portions of the county and voting at each precinct visited, in total disregard of their decency and manhood.

[From the Charleston World.]

However, by means of the primaries, with the managers' stamp used to prepare ballots the night before for stuffing the boxes, and rapid penmen to write two names every time one voter casts his ballot, some persons have come to great apparent political prominence in this city. But all this sort of thing has squeezed the life out of the party here.

[From the Charleston News and Courier.]

The primary in Newberry to determine the choice of a candidate for State senator was followed by sweeping allegations of bribery and fraud. It was the same in Marion County, where Bingham was the defeated candidate. Charges of fraud at the primary in Lexington County were promptly and deliberately made. \* \* \* The eight-box law, necessary as it was and beneficial as its operations have been, is demoralizing to the people of the State. It must lower the younger men in particular in their own eyes to see the spirit of our institutions violated at every election. It is beneath the dignity of the State to admit that there is not statesmanship in South Carolina to face the consequences of ignorant suffrage and overcome them without political trick or subterfuge.

[Special.]

COLUMBUS, S. C., January 15.

In commenting on the recent address issued by E. M. Brayton, chairman of the Republican State committee, the Greenville News to-day says:

"It is not worth while to challenge ex-Collector Brayton's counterblast to the South Carolina election law. We prefer to declare boldly that most of what he says is true, and that the law he describes was and is intended to keep the control of this State with the white people, who are a minority in numbers, but who pay nineteen-twentieths of the taxes and represent ninety-nine one-hundredths of the intelligence and moral force. Then we can say to Mr. Brayton, and to the partisan Republican politicians to whom he appeals, 'What are you going to do about it?' These laws are constitutional. They are the laws of the State of South Carolina, representing the will of the sovereign ruling people of the State, who will rule because they have the mental, moral, physical, and financial power to rule."

The entire Republican party in the United States, with all the power of the Government behind it, can not make South Carolina a Republican State, because it can not make the Republican party here respectable. The gaunt and unkempt Southerner who pokes a shotgun into a voter's face to chase him from the polls is a better man than the sleek, portly Northern manufacturer who offers a poor devil of a workman the choice between voting for high protection and starvation. The most reckless red-shirt riders who ever pulled a trigger are less guilty than the wealthy hypocrites who gave and the heelers who handled the money that corrupted the ballot last November. They may send troops here, as they did before, to stand at our polls and purify the ballot with the bayonet, but for all that there will be no more good stealing in South Carolina. The crookedness in Southern elections is to save the credit and preserve the lives of the States, and to secure the safety and prosperity of the people, the churches, and the schools. They may steal our Congressmen and keep them while they can; they may steal our electors, but they never will steal our State."

Mr. ROWELL. Mr. Speaker—

Mr. CRISP. Before my friend from Illinois [Mr. ROWELL] proceeds, I desire to yield ten minutes to the gentleman from Michigan [Mr. TARSNEY]. I will yield it now if that will suit the gentleman from Illinois; and he can proceed afterward.

Mr. TARSNEY. If the gentleman from Illinois desires to proceed now—

Mr. ROWELL. No; I prefer that the gentleman should go on now.

Mr. TARSNEY. Mr. Speaker, I think that I have not obtruded myself upon the attention of the House very much during this session; and I did not intend to say anything in relation to this case until I heard some of the remarks from gentlemen over here on the right. I happen to be almost an extreme Northern man, living within 90 miles of the borders of a foreign country; and when I listened to my friend from Wisconsin [Mr. LA FOLLETTE] and the gentleman who has just concluded [Mr. LODGE] I thought perhaps it might not be out of place for me to say something in a kindly sort of a way in relation to this case.

Mr. Speaker, I have studied this record; I have studied the report, and I am not talking from a Southern standpoint, but I am talking from the standpoint of an American citizen. When you gentlemen on the other side of the House proclaim to the world, as I heard you do yesterday and the day before and to-day, that you are the guardians of the whole colored race, I, for one, as a citizen, want to enter my protest at once. You are the guardians of the colored race, are you? You desire to take care of the Southern people? Why I want to call your attention to the fact that your party was never an abolition party until the abolition of slavery became an accomplished fact by the result of the proclamation issued by Mr. Lincoln. Now, deny that record if you can. You can not do it. It was not until the abolition of slavery became an accomplished fact that you gentlemen became the guardians of the colored people of this country; that is, the assumed guardians. Therefore, I say you were not abolitionists; and you are not entitled to any credit for this colored vote that you are getting.

But you say that you emancipated the slaves, do you? Yes, I think you did. What for? You did it to get 800,000 Republican votes and to break what you call to-day the "solid South." That is what you did it for. Well, you have not succeeded.

Now, you are here to-day with an election case, and you ask that a colored man, simply because of his color, shall be declared entitled to a seat on this floor. God knows the highest law that I know is the Constitution of my country, my own conscience, and the laws as I understand them. But when you tell me that this man is entitled to a seat on this floor in the face of the record that you make, I simply say it is not true. You ask me to vote for a man convicted of bribery, convicted in the courts of his own State. Now, take that record home to yourselves, and satisfy your conscience, if you can, by voting to seat this man as a member of this House.

Now, I do not desire to take up much of the time of the House to-day, but when you speak to me about gerrymandering districts—and I saw a map hanging up in front of the desk which was a curiosity in its way as showing how they gerrymander in South Carolina—I say when you talk about gerrymandering Congressional districts you must permit me to say that it is a practice which is not confined to one political party, nor to one section of the country. Why, bless your heart, sir, in the extreme Northern State of Michigan, from which I come, I can show you on a map a Congressional district 220 miles long and only 7 miles wide. [Laughter and applause.]

A MEMBER. Only 7 miles in one place?

Mr. TARSNEY. Yes, sir.

A MEMBER. Where is that?

Mr. TARSNEY. Why, it is in the Tenth district of Michigan.

Mr. ALLEN, of Michigan. Tell us why it is so—that God made the waters there.

Mr. TARSNEY. God made no mistake, but the people did, when they sent people like you to represent them in the State Legislature which enacted these gerrymandered districts.

Mr. ALLEN, of Michigan. These districts in Michigan are made up of contiguous territory.

Mr. TARSNEY. Yes, I understand they are quite contiguous and very elongated. [Laughter.]

Mr. ALLEN, of Michigan. You cannot divide a town or county under the law in Michigan.

Mr. TARSNEY. No, we do not divide towns or representative districts, I know; but the gerrymander is all the same.

Mr. ALLEN, of Michigan. My district consists of four counties which lie almost in a square.

Mr. TARSNEY. That district has been gerrymandered in order that you may hold your seat on this floor. [Laughter.]

Mr. CUTCHEON. You can not say that when he has stated his district is almost a square, and is composed of four counties.

Mr. TARSNEY. Yes, I understand it is a hollow square. [Laughter.]

Mr. CUTCHEON. Solid as a square can be under the circumstances.

Mr. TARSNEY. I understand your district, too, general. [Laughter.]

Mr. CUTCHEON. It is a solid district.

Mr. TARSNEY. Yes; they are careless there. They do not care who they are electing. [Laughter.] I hope, Mr. Speaker, this will not be taken out of my time.

Mr. CUTCHEON. My friend seems to be agreeing with us.

Mr. TARSNEY. I hope this will not be taken out of my time.

The SPEAKER *pro tempore*. Gentlemen will take their seats and order will be preserved in the Hall.

Mr. TARSNEY. Now, Mr. Speaker, I am entirely sick of this talk about a free ballot and a fair count. [Laughter.] There is altogether too much of it. You can not talk about a free ballot and a fair count in the Southern States where the laws are as rigid as in New Jersey and Michigan.

Mr. KEAN. I beg the gentleman's pardon.

Mr. TARSNEY. You need not beg my pardon; there is no occasion for it. [Laughter.]

I wish to say to you, and to bear testimony to it as a personal witness, that born in that State, having lived there, I have seen as much bulldozing at the polls in Michigan as I ever saw depicted on any page of paper in this House.

Mr. GUENTHER. Then why did you do it?

Mr. TARSNEY. You Republicans were the folks who did it, and yet you talk about a free ballot and a fair count! I can find you men employed in factories marched up to the polls and compelled to vote the ticket handed to them. It was a question of an empty stomach instead of a shotgun. [Laughter and applause.]

A MEMBER. It is everywhere.

Mr. TARSNEY. Yes, it is everywhere amongst you Republicans. [Laughter.] I want to see the time come when every citizen, white and black, can go to the polls and vote in absolute freedom, without intimidation, without interference on the part of employers. [Applause.]

Mr. CUTCHEON. That is good doctrine.

Mr. TARSNEY. But I know it is not so in the North, and I presume it is not so in the South. [Laughter.] Oh! I want to be fair to you gentlemen. But when you come to classify and draw sectional lines between the North and the South I say you are doing that which is positively and absolutely dishonest.

Now, when you argue and ask me to vote to seat this man over here, who I am entirely satisfied was not elected, I will not do it. You can take it to your own consciences, I will not take it to mine. [Applause.]

[Here the hammer fell.]

Mr. ROWELL. I now yield one minute of my time to my colleague from Illinois [Mr. PLUMB].

Mr. PLUMB. I ask recognition, Mr. Speaker, simply for the purpose of requesting unanimous consent to insert in the RECORD my remarks upon this subject.

The SPEAKER *pro tempore*. If there be no objection, the gentleman will be permitted to do so.

There was no objection.

Mr. ROWELL. I now ask unanimous consent that any member who desires to do so may have leave to print remarks upon this case.

Mr. ANDERSON, of Illinois. I object.

Mr. ROWELL. Mr. Speaker, in the remarks submitted by me in the opening of this discussion I confined myself strictly to the facts contained in the evidence and in the law as applicable to it. Imagine, then, my surprise when my friend from South Carolina [Mr. HEMPHILL] charged me, of all other men, with having started a tirade of abuse against the South! Imagine my further surprise when he, rep-

rimanding me for conduct of which I was not guilty, spent forty minutes in the discussion of the question entirely outside and beyond the record, and neglected to say a single word about the facts of the case now about to be decided by the votes of this body!

I want, Mr. Speaker, in the few minutes remaining to me, to call the attention of the House back to the cold, naked facts as they are shown by the record in this case. Mr. Elliott was declared to be elected by a majority of 532 votes. In order to reach that result 152 votes cast for him and 2,010 votes cast for Smalls had to be rejected. Adding the 152 votes cast for Elliott to his majority it makes 684 votes. Deduct that from 2,010 and it leaves Smalls with an actual majority of the votes cast amounting to 1,326. If, in addition to that, you take the 441 votes, the correction of the precincts where the ballot-boxes were tampered with, as shown by the evidence, you increase his majority to 1,767. If you deduct from that the 100 votes and over cast for Elliott in DARGAN'S district, you make the majority nearly 1,900.

Now, then, it has been insisted by the gentlemen representing the majority of the committee that three districts or precincts in Beaufort County ought to be rejected because of intimidation. These three precincts cast 646 majority for Robert Smalls. If you take this number from the 1,326 votes, his majority of the actual votes put into the ballot-boxes, it still leaves Smalls with a majority of 580. It is however insisted that the Gadsden precinct, where the polls were not opened until an hour after the time prescribed by law, should be deducted. Take away, then, the 451 votes cast at Gadsden precinct, and it still leaves Robert Smalls a majority of 129; and while not one of these votes ought to be deducted under the evidence in this case and the law governing it, there is not another vote in all the list that has the semblance of an excuse in the law or in the fact for being deducted. The 212 in Santee where there was no barricade erected is twenty times, nearly, offset by the Democratic precincts where there were no barricades erected. The law requires the counting of the votes notwithstanding the fact that there was no barricade, and there is no variableness in the decisions of the court upon that law.

This conclusion, Mr. Speaker, or this calculation, leaves Robert Smalls with 129 majority, deducts everything claimed on the other side, except the Santee precinct and the Sandy Island precinct, where they had mistaken a notice and declare that that is rejected because the notice did not make a claim; but by reading the notice they find that they are mistaken in that—I say that this deducts everything that can possibly be questioned and still leaves Smalls 129 majority. But there is just as much reason for throwing out the 646 votes in the three Beaufort precincts as there is for throwing out every Republican vote cast in South Carolina and no more.

I call the attention of this House to the fact that with the exception of one witness, no man, a voter, has come upon the witness stand and sworn that he was prevented from voting the Democratic ticket. No man has come upon the witness stand and sworn that he was compelled to vote the Republican ticket. There is the evidence of opinion; there is the evidence of loud denunciatory talk on both sides, extending back over a period of years, but that is all. It is a fact that the colored people of South Carolina do not rest very easy under the yoke of disfranchisement, which they believe has been placed upon them, nor have they been altogether patient with a colored man who would lie down upon the ground and allow his neck to be trampled upon.

But when you come to the question of whether a man has been prevented from voting through fear, you have failed to find a single man, save one, who will come upon the stand and swear to it; and you have been obliged to go outside of the county to find your evidence. Now, the whole of this case is this: The law says the voter shall do everything required of him to be done in order to constitute himself a voter; and shall go further and attempt to deposit his ballot. If he does all these things, then nothing else shall prevent the counting of his ballot. The voters here have done all required of them; but you have interposed technical objections to the conduct of the election; not objections to the conduct of the voter, but objections to the conduct of the officers of the law—the party friends of the contestee. When you reject a case on a technicality of misprision, the fault of the officer of the law, you violate every legal precedent. You can do it possibly with your possession of the courts, by the power that you have, under the high-handed manner you defy precedents of law, when you reject the vote, not for the fault of the voter, but on account of fault of the officer of the law.

There is not a precinct, not one, outside of the question of intimidation, but that has been rejected by this committee, not on account of the fault of the voter, but on account of the fault of the officer; and if this House shall vote Mr. Elliott entitled to retain his seat and Mr. Smalls not entitled to receive his rights, they will do it upon the proposition of a law that the neglect of an officer shall work to the detriment of the voter. There is no other proposition in it. The whole argument on the other side of the House, so far as that argument has touched the fact, in this case, has been based upon that false proposition of law unsustained anywhere by any creditable authority. The whole argument, I say, has been based upon that proposition of law, and it has no legs to stand upon by the adjudication of any re-



spectable court. Now, Mr. Speaker, having said this, I ask the privilege for myself of extending my remarks.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none, and the request is granted.

Mr. CRISP. I ask, what time is remaining to this side?

The SPEAKER *pro tempore*. Thirty-five minutes remain to the gentleman from Georgia, and five minutes remain to the gentleman from Illinois. [Cries of "Vote!" "Vote!"]

Mr. CRISP. If the gentleman desires to take that time, he can take it now. [After a pause.] The gentleman does not want to take it.

Mr. Speaker, I hope it will not be found necessary to detain the House so long as thirty minutes, but I deem it proper that some reply should be made to remarks on the other side reflecting to some extent upon my people, and necessary that I should devote a few words to the refutation of statements of the gentleman from Illinois [Mr. ROWELL], which I think are wholly unsustained by the record in this case.

Now, Mr. Speaker, we have heard a great deal from the other side of the House on the subject of elections in the South. The gentlemen over there seem to feel a great interest in this subject. They seem to feel they are especially commissioned to look into such matters, and they relish greatly partisan newspaper accounts that they see from time to time, stating that great outrages are committed in the South, and that the election officers in that part of the country do not make honest returns. Now, Mr. Speaker, speaking for myself and for the State I have the honor in part to represent, I want to say there is nothing in any practice there, there is nothing in any election law there, there is nothing that takes place preceding or during an election there respecting a free ballot and a fair count that is not as perfectly fair, as perfectly honest, and as perfectly honorable as are the laws and practices in any State in the Union.

Mr. REED. What do you think about South Carolina?

Mr. CRISP. Now, gentlemen on the other side point to the small vote in Georgia as an evidence of intimidation there. They do not point to one particle of evidence; they do not produce the statement of a single man; they do not point to a contest in this House from the State of Georgia where there is a particle of sworn testimony that elections are not as free and as fair there as in any State of the Union. But, sir, simply because the representatives from Georgia receive but few votes at the polls that State is selected and its representatives are singled out to be held up to the people of the North as evidence that intimidation exists throughout the South. Mr. Speaker, in Georgia we have many elections. In most States all the State, county, and Federal officers are elected at the same time; this is not the case in Georgia. We elect a governor and members of the Legislature in October. We elect members of Congress in November. We elect all the county officers who are to manage our county affairs the following January. At each of these elections where there is a contest between the parties or individuals there is a numerically respectable vote polled. But at elections where a candidate has no opposition, where there is no contest, the vote is small. When there is a contest for the nomination the vote is large. When there is a contest before the people for county officers, there being as a general thing no party nomination, the vote is large. When there is an election where there is no opposition in a local election the vote is small.

But I say to you that the reason why it is small is the fact that there is no opposition. Gentlemen marvel at that. Gentlemen say they do not understand that. It is simply because gentlemen do not understand the situation in the South; and, my Republican friends, you do not seem to want to understand it. You see some statement in a partisan newspaper of the political situation in the South, and whenever that statement charges or intimates that the white people of the South have done anything to improperly influence the colored voters you unhesitatingly accept it as true. Wherever we present to you, as we do in this record, sworn testimony of reputable members of society, black and white, Republicans and Democrats, of the intimidation of the Democratic colored man by the Republican colored man, you lean back in your seats, complacently smile, and say you do not believe it is true. Why, Mr. Speaker, take the district in Georgia represented by my friend Mr. BARNES. The first time he was a candidate for Congress he was nominated by the Democratic party. The convention of the Republican party met for the purpose of making a nomination and adopted a resolution showing they were satisfied with the Democratic nominee, and they would nominate nobody against him.

Now, that is not hearsay; that is a fact. The result of that was all the votes that were polled were polled for Major BARNES, and he was elected. Who has got the right to complain of it if the Republican party in that district are satisfied? Take the district I have the honor to represent. Take the vote cast at the election for Congress in 1886, which is the vote that has been paraded all over the country as going to show that the colored people in that district are intimidated. What are the facts about it? I was nominated by the Democratic party. The Republican party made no nomination against me. There was no candidate before the people but myself. No other officer was to be then elected. There were no local contests to bring out the voters. For

nearly twenty years no Republican had gone through my State or my district to discuss political questions before the people. There have been none of those political discussions between the candidates of the parties which arouse and excite people and make each party try to excel the other in numbers at the polls.

Mr. REED. Why is that?

Mr. CRISP. The result was that in some counties in that district they did not open the polls at all.

Mr. REED. Why is it that there is no political interest in your region?

Mr. CRISP. There was not, Mr. Speaker, at that election a single vote polled against me. Now, I am very sure that no gentleman here with whom I am acquainted or who is acquainted with me—

Mr. REED (interposing). Why is it that there is no political discussion there?

Mr. CRISP (continuing). Will say that my character as a "bulldozer" is such that it would prevent a single individual from going to the polls and recording his vote against me. The trouble with you gentlemen is, that you want to believe—

Mr. ALLEN, of Michigan. Oh, no.

Mr. CRISP. The trouble is that you want to believe that the Democratic party at the South is doing something wrong. The trouble is about this: After the war, the result of which freed the colored man, you felt that he was bound to you body and soul forever. You felt that he could be used as an ignorant voter who would go blindly to the polls at your bidding, and send men here that you might use to vote as you wanted them to vote. But when you found out that the colored men in the South, the great majority of them, were not politicians, that they cared but very little which party was in power, that they were utterly indifferent to many of the great issues which excited people at the North, that they were not Republicans from principle—when you found that out, then you began at once to see that something must be done. You said, "Here is a vast mass of voters that we expected to hold indefinitely for the favors we had rendered them. These voters have ceased to sustain us. What is the reason of it? What is to be done?"

Mr. REED. That is what we would like to know.

Mr. CRISP. Then, my friends, "some busy and insinuating rogue, some coggling cozening slave, to get some office," devised the slander that has been circulated among the people of the North.

Mr. ADAMS. Are there no Republicans in sentiment in your district?

Mr. CRISP. Why, Mr. Speaker, if I had the time—

Mr. ALLEN, of Michigan. We will give you the time.

Mr. CRISP. If I had the time I could tell you of the condition of the Republican party in Georgia, and you would see and realize why the present state of affairs exists there.

Mr. ADAMS. Are they in fact Republicans, though?

Mr. CRISP. I could show you that the Republican party met in convention some years ago, composed largely of colored people with some small minority of whites, and fell out among themselves about the division of the offices of the convention, who should be president, who should be secretary, and so on, and resolved to divide and to abandon each other; and, although you may not realize it, it is literally true, that since the Federal office-holders, who were Republicans, went out of office in Georgia there has been no Republican organization there except the one which they keep up to send delegates to conventions to nominate the Republican candidates for the Presidency. [Laughter and applause on the Democratic side.] That is about all that they publicly do, and perhaps it would not become me to state the inducement they have to do that. Pardon another personal allusion.

There is a gentleman upon the floor, a gentleman of whose existence I had no knowledge up to the time I saw his remarks in the RECORD, a gentleman whom I did not know even by sight, who, I found on my return from home last summer (where I had gone to see a sick child), had printed in the RECORD during my absence, and, I presume, had delivered on the floor, a speech in which he arraigned my district and myself and the Speaker of this House upon charges and statements that were absolutely—inaccurate. I believe that is a parliamentary word. [Laughter.] I refer to a gentleman from Ohio named KENNEDY, from whom my friend from South Carolina [Mr. HEMPHILL] quoted here to-day. That gentleman says in a speech delivered on the 12th day of July, 1888:

One thousand seven hundred and four votes elect Mr. CRISP, Democrat, to this floor from Georgia, while 43,890 votes elect Mr. BYNUM, Democrat, from Indiana; in other words, it would seem as if one Democrat in Georgia is as powerful at the ballot-box as twenty-five Democrats in Indiana.

And, as if to emphasize the infamy of this glaring and almost unspeakable outrage upon the ballot-boxes of the land, Mr. CRISP, of Georgia, who comes here after having suppressed almost the entire voting population of his own district, is, by the Democratic Speaker of this House, placed at the head of the Committee on Elections, to sit upon the election and qualification of every other member of this House. Could the irony of infamy and outrage go further than this.

Now, Mr. Speaker, it is charitable to say that the gentleman from Ohio was ignorant on the subject which he was talking about. Every member of this House knows, or ought to know—I ought to acquit the gentleman from Ohio from knowing, because his statement other-

wise would be malicious—every other member of this House knows that the Speaker of the House did not appoint the Committee on Elections. Every other member knows that the Committee on Elections of this Congress was elected by the Representatives on the floor.

Mr. CUTCHEON. I presume the gentleman from Ohio [Mr. KENNEDY] relied on the Journal of the House, and was thus led into a mistake.

Mr. CRISP. I had a right to presume that he ought to know what takes place before his eyes. It appears that he does not. Now, what I want to ask you is if he does not know what takes place here where he can see it, how does he know what takes place in Georgia where perhaps he has never been? [Laughter and applause on the Democratic side.]

Now, I suppose the gentleman recklessly made that statement to send home to arouse and inflame the people of his district. That kind of a statement—

Mr. KENNEDY. Will the gentleman permit me a moment?

Mr. CRISP. Certainly.

Mr. KENNEDY. Is it not a fact that the Speaker of this House selected first the committee himself, and that afterward when his case came for contest before this House— [Cries of "Oh, no!"]

Mr. KENNEDY. And that afterward when his case came for contest before this House, he came in and asked the House to select the committee, he having first himself in his own room chosen it, and that the Democratic side of this Chamber simply ratified the selection which the Speaker of the House had already made. [Applause on the Republican side. Cries of "Oh, no!" on the Democratic side.]

Mr. CRISP. Now, Mr. Speaker, that applause is an evidence of the feeling on that side of the House on any question which comes up here touching elections in the South. Gentlemen over there have applauded a statement which every man on that side who knows anything about the history of this Congress knows is untrue. [Applause on the Democratic side.]

Mr. KENNEDY. Will the gentleman bear with me a moment again?

Mr. CRISP. Well, of course, if it bears on this question. This is a question of fact.

Mr. KENNEDY. A single word. I want to ask you this question: Even if it were true that the Speaker of the House of Representatives did not place you on the Committee on Elections—you who were chosen by 1,704 votes—the smallest vote that elected any man to a seat on this floor—is it not true that the Democratic members on your side of the House chose you as chairman of that committee, ratifying an infamy which I denounced on this floor and which I denounce now? [Applause on the Republican side.]

Mr. CRISP. Mr. Speaker, I was not proposing to enter into any controversy with the gentleman from Ohio as to what the House did. My point was this: That there was a gentleman considered by his own people in Ohio a fit representative to send to Congress—a gentleman who, I am informed, has been lieutenant-governor of that great State. He comes here to the House as a representative, and either through ignorance (and ignorance of the grossest character) or through malice, he seeks to not only misrepresent me, but to misrepresent the distinguished gentleman who presides over the deliberations of this House. [Applause on the Democratic side.] That is the charge that is made against the gentleman. Why, Mr. Speaker, I have no doubt this speech was circulated over the district of the gentleman; and I have no doubt those people believe to-day that what was stated in those remarks was true. Everybody here knows that that portion of it is inaccurate. Everybody who is at all acquainted with affairs in Georgia knows that the other portion of it is inaccurate. It seems to me that a common sense of justice would suggest to the gentleman that the people of a State when accused of crime should have the same right accorded to them that is accorded to an individual by all law and in every court on earth—that is the right to be presumed innocent until the charge is proven.

Mr. KENNEDY. Will the gentleman permit me to ask him one more question?

Mr. CRISP. I think from my experience and observation of the gentleman's conduct—

Mr. KENNEDY. Just one more question.

Mr. CRISP. I had better not have any more controversy with him. The SPEAKER *pro tempore* (Mr. McCREARY). The gentleman from Georgia declines to yield.

Mr. CRISP. Now, Mr. Speaker, I want to say something in conclusion about the points in this case, just a few words. Before doing so I want to say that the extreme anxiety of gentlemen on the other side of the House to do some kindness or some favor to the negro, when he does not live in their community or their own neighborhood, is understood of all men who know anything about public affairs in the past. Every man at all acquainted with the legislation of Congress knows that it was the Republican party that took away from the colored man in the District of Columbia the right to vote.

Mr. MILLIKEN. But who freed him in the District of Columbia?

Mr. CRISP. The gentleman is one of those who act upon the mistaken and erroneous idea that the influence and force of past favors are greater upon the colored man than the anticipation and hope of favors that are to come.

Mr. MILLIKEN. Nothing of the kind; but when the gentleman desires to quote the record of the Republican party in its relation to the negro, he had better go back and quote the whole record, and see where he stands then.

Mr. CRISP. Well, my friend, if I should quote the whole of the record it would bring the blush of shame—

Mr. MILLIKEN. Upon your face, not ours.

Mr. CRISP. Upon the face of every patriotic member of the party for which the gentleman speaks.

Mr. MILLIKEN. If your party can stand up without the blush of shame—

Mr. CRISP. Mr. Speaker, in the long history of parties in this country there has never been one that has made so many professions and promises which it failed to keep, and there has never been a party which committed, under the shibboleth of "God and morality," so many outrages upon the free institutions of the United States. [Applause on the Democratic side.]

Mr. MILLIKEN. Well, if we had not taken great pains with your party we would not have had so many free citizens in the South to-day. [Applause on the Republican side.]

Mr. CRISP. Now, Mr. Speaker, I stated, and that seemed to excite the ire of the gentleman from Maine—

Mr. MILLIKEN. Oh, no; I am not at all excited; you appear to be.

Mr. CRISP. That it was the Republican party that took from the colored people in the District of Columbia the right of suffrage.

Mr. MILLIKEN. What did we give them in return?

Mr. CRISP. And in doing this—

Mr. LODGE. Is that all we did? Was it taken from the white people here?

Mr. CRISP. Mr. Speaker, it was the teachings of this same party which prompted the gentleman from Massachusetts [Mr. LODGE] and the gentleman from Illinois [Mr. MASON] on the floor of the American House of Representatives to say that they believe it is a right and proper thing to station troops in the States at the polls.

Mr. LODGE. To preserve order.

Mr. CRISP. To have a fair and free election.

Mr. LODGE. Yes; we do.

Mr. MILLIKEN. If we can not have it in any other way. We can not do it in any other way in your country.

Mr. CRISP. Mr. Speaker, let me read to the House a resolution adopted by the British House of Parliament one hundred and thirty years ago, when troops were stationed at the polls in England, as the gentleman from Massachusetts now wants to have them stationed at the polls in America in order to have, as he claims, "a free and fair election."

At an election held for member of Parliament for Westminster over one hundred and thirty years ago, by order of three magistrates a body of English troops were marched up and halted in the church-yard at St. Paul, Covent Garden, very near the polls where the balloting was proceeding. Upon being informed of this fact by the Speaker, the House of Commons passed unanimously the following resolution:

That the presence of a regular body of armed soldiers at an election of members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom.

[Applause on the Democratic side.]

The gentleman from Massachusetts, under the teachings of the Republican party, has brought himself to believe that consistently with the Constitution under which we live, consistently with the form of government which our fathers founded, troops can be brought to the polls to secure free elections. Sir, the great men of Massachusetts in the past, if living to-day, would blush—ay, blush for that great State when one of her Representatives on this floor makes such an utterance as that. [Applause on the Democratic side.]

Now, sir, a word about the pending case. Your Committee on Elections have endeavored to try this case according to the evidence. The minority of the Committee on Elections, in presenting their report to this House, have at the very outset bid defiance to all the rules of evidence and all the rules that ought to govern the action of a committee of this body in presenting a case for the consideration of the House. They begin by quoting an article from a newspaper, and assume to call that evidence. They end by reading upon the floor of the House extracts from newspapers, and they ask you to call that evidence. The gentleman from Massachusetts [Mr. LODGE] gives you his opinion as to what condition of affairs exists in South Carolina. Let me call your attention to the evidence in the case and give you the opinion of another gentleman from Massachusetts, a gentleman whose opinion—and I can say it with the utmost respect for the gentleman from Massachusetts [Mr. LODGE] sitting here—a gentleman whose opinion on this question is far more valuable, because he now lives in the district in South Carolina where this election was held, and knows whereof he speaks. The Representative from Massachusetts [Mr. LODGE] from newspapers gathers his facts. The other gentleman from Massachusetts tells what he sees. The Representative from Massachusetts [Mr. LODGE] says that fraud and outrage were committed by the white people in the Seventh district of South Carolina. The other gentleman from Massachusetts, Mr. Cole, testifies in this record:

That he was born at Woburn, Mass.; graduated at Harvard in 1862; moved to



South Carolina in 1863; was Government superintendent of abandoned lands during the war, and has resided twenty-one years on Ladies' Island, Beaufort County, South Carolina; that ordinarily—

And I want to call your attention specially to this—

he is the only white voter on the island; that in 1886 the total vote was 206, of which 11 were cast by white men, and that contestant got 129, and contestee 77; that Ladies' Island lies between Beaufort and St. Helena Island, and is 1 mile from Beaufort; that most of the colored voters are land-owners and taxpayers, and since 1886—

That should be 1876. It is a misprint—

have had a general tendency to vote the Democratic ticket in consequence of reduction of taxation by the Democrats, improvement of the public schools, and general security of their rights; that after the mass meeting at Beaufort in October, 1886, which the Ladies' Island Democratic Club attended, and of which accounts are elsewhere given, most determined efforts were made by the Republican leaders to break up this club; that a club of women was organized to beat all men voting the Democratic ticket, and that many threats were made against Democratic men and women.

Now listen to this:

That it had been announced that contestee would speak on the island the day before the election; but in consequence of many threats that he would not be allowed to speak, the meeting was abandoned, although contestee was ready and anxious to attend.

The conservative people of the island, in view of the outrageous conduct of the Republican leaders, insisted that Colonel Elliott should not go there to speak, because of the fear of bloodshed that would follow from the violence of the Republicans.

That prior to the election the Democratic voters were in a state of fear for their personal safety, and that there would specially be trouble on election day.

That in consequence of this, deponent distributed Democratic tickets on the night before the election himself—staid all night with many of the voters at a house near the polls, so as to quiet their fears, and that all were instructed to be early at the polls, so as to vote as soon as the polls were open, and to take Republican tickets from the runners for that party. That during election day many women were near the polls, armed with sticks, making a good deal of noise and disturbance, threatening talk, cursing, threats of what ought to be done and would be done with Democrats; that a Republican runner jerked from the hand of a voter a Democratic ticket which deponent had given him; that early in the campaign deponent had good reason to believe that Democrats would carry the poll, but that in consequence of this intimidation "numbers that intended voting the Democratic ticket did not vote at all, and others voted the Republican ticket." That the Democrats were specially fearful of trouble after the polls were closed, and many left the polls on that account, and for a month after the election many did not dare go out at night, and some so continued up to the date of witness's deposition; that in every contest between the parties for ten years past some Democrat had been beaten; that it required a great deal of nerve and courage, not only on Ladies' Island, but at Beaufort and St. Helena (or Brick Church) for a colored man to admit that he was a Democrat, and that he knew that many throughout Beaufort County were prevented from voting the Democratic ticket.

Mr. JOHNSTON, of Indiana. Do you vouch for that man's statement?

Mr. CRISP. I put against the unsworn statement of Mr. LODGE, of Massachusetts, the sworn statement of Mr. Cole, of Massachusetts. The question for the House to determine is which it will accept. Will you accept the unsworn partisan statement of a Representative from Massachusetts or will you accept the unimpeached, sworn evidence of this man from Massachusetts?

Mr. JOHNSTON, of Indiana. Will you answer me one question? [Cries of "Sit down!" on the Democratic side.]

Mr. CRISP. But, Mr. Speaker—

Mr. JOHNSTON, of Indiana. I simply want to ask one question. [Cries of "Sit down!" on the Democratic side.]

Mr. CRISP. Mr. Speaker—

Mr. JOHNSTON, of Indiana. Will you vouch for your witness?

Mr. CRISP. The gentleman from Indiana has found it necessary to emulate the tactics of Smalls [applause on the Democratic side], and will not allow me to proceed to make my speech.

Mr. JOHNSTON, of Indiana. Will the gentleman vouch for the witness whose testimony he has read? [Cries of "Sit down!" on the Democratic side.]

Mr. CRISP. The gentleman from Indiana addressed the House the other day upon this case. I was much amused for one at the earnestness and zeal with which he plead, as he claimed, for a fair and free election. In view of what has taken place in that gentleman's State, I was very much amused. [Cries of "Blocks of five!" It occurs to me that coming from a State where such methods are resorted to as those suggested in the celebrated "blocks-of-five letter" [loud applause on the Democratic side] it might be well for the gentleman to purify things at home before he began looking abroad. [Applause.] Mr. Speaker—

Mr. BOUTELLE. Why do you not depict?

Mr. CHEADLE. Will the gentleman permit me to ask him a question?

Mr. CRISP. Mr. Speaker—

Mr. CHEADLE. Will the gentleman permit me to ask him a question?

Mr. CRISP. I will not.

Mr. CHEADLE. Then why do you talk of Indiana? It has nothing at all to do with this case. You have made a charge against the State of Indiana. [Cries of "Sit down!" on the Democratic side.]

The SPEAKER *pro tempore*. The time of the gentleman from Georgia has expired.

Mr. CRISP. I desire to have the attention of the House— [Cries of "Regular order!" on the Republican side.] It is hardly just to me

to be taken off the floor by turmoil. My time has been consumed by interruptions and turmoil; and I insist that I have the right to be heard.

Mr. JOHNSTON, of Indiana. I hope the House will let the gentleman go on until he shall have completed his statement. [Cries of "Regular order!" on the Democratic side.]

The SPEAKER *pro tempore*. The Sergeant-at-Arms will proceed to enforce order.

The Sergeant-at-Arms proceeded to request members to take their seats.

Mr. JOHNSTON, of Indiana. I want to ask [cries of "Regular order!"] unanimous consent—

Several MEMBERS on the Democratic side. I object.

Mr. CRISP. I only want to say one word—

Mr. JOHNSTON, of Indiana. I hope that the gentleman from Georgia will be allowed to proceed in his— [Cries of "Regular order!" on the Democratic side.]

The SPEAKER *pro tempore*. The time of the gentleman from Georgia has expired. [Cries of "Vote!" "Vote!"]

Mr. CRISP. My time was taken away from me by gentlemen on the other side. It was taken away by the boisterous conduct on the other side of the House. [Cries of "Regular order!" on the Republican side.]

Mr. DAVIS. I hope the gentleman from Georgia will have such time given him as he has lost by interruption. [Cries of "Regular order!" on the Democratic side.]

Mr. CRISP. Well, Mr. Speaker, I demand the previous question. [Applause.]

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. CRISP] demands the previous question.

Mr. ROWELL. On the resolution and on the substitute, I suppose?

Mr. CRISP. I believe that by an order of the House heretofore made the previous question is now ordered.

Mr. ROWELL. The previous question is ordered, and I suppose the vote comes now on the substitute.

Mr. CRISP. On that I demand the yeas and nays.

Mr. ROWELL. I demand the yeas and nays also.

Mr. CRISP. I would like to have accorded to me the same privilege that was accorded to my friend from Illinois [Mr. ROWELL], but I promise now that I will put nothing in the RECORD except extracts from the evidence.

Mr. JOHNSTON, of Indiana. If you will let us put in the answer to your speech we will agree to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Georgia?

Mr. HAUGEN and others objected.

Mr. OUTHWAITE. That is right. You are afraid of the record.

Mr. WASHINGTON. That is right. It is just like your conduct all through. You will not let a man either talk or print.

Mr. LODGE (to Mr. CRISP). The gentleman from Indiana is entitled to that courtesy.

Mr. CRISP. He is not entitled to it. He is an interloper.

Mr. LODGE. He is entitled to the same courtesy that you are entitled to.

Mr. CRISP. He is an interloper.

[Cries of "Regular order!" on the Democratic side.]

The SPEAKER *pro tempore*. The Clerk will now report the substitute.

Mr. BUCKALEW. Before that is done, Mr. Speaker, I ask the attention of the Chair for one moment—

Mr. ROWELL (interposing). I ask unanimous consent that the gentleman from Georgia [Mr. CRISP] may have leave to extend his remarks, and I hope that nobody on this side will object.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

There was no objection, and it was so ordered.

Mr. ROWELL. Now, Mr. Speaker, I ask unanimous consent for any member of the House to publish remarks on this case.

Mr. COBB and others objected.

Mr. JOHNSTON, of Indiana. Now, Mr. Speaker, I ask unanimous consent that I may be allowed to print remarks in answer to the fling which the gentleman has made at the State of Indiana.

Mr. O'FERRALL. I object.

[Loud cries of "Regular order!" on the Democratic side.]

Mr. JOHNSTON, of Indiana. Who objects?

Mr. O'FERRALL (rising). I object, Mr. Speaker.

Mr. OWEN. Mr. Speaker, is it too late to enter an objection now against the consent given for the chairman of the committee [Mr. CRISP] to extend his remarks in the RECORD?

The SPEAKER *pro tempore*. It is.

Mr. OWEN. Then there is a hereafter on unanimous consents.

Mr. LANE. I call for the regular order.

The SPEAKER *pro tempore*. The question now is on the substitute.

Mr. REED. Mr. Speaker, I ask the House to listen to me for one moment. The gentleman from Georgia [Mr. CRISP] asked permission to extend his remarks and objection was made unless permission should be given also to the gentleman from Indiana [Mr. JOHNSTON].

[Cries of "No!" "No!" and "Regular order!" on the Democratic side.]

Mr. REED. Wait a moment. Hear me through.

[Renewed cries of "Regular order!"]

Mr. REED. Wait a moment.

Mr. BIGGS. Mr. Speaker, I want the gentleman from Maine [Mr. REED] to have an opportunity to make his explanation, and I hope the House will give it to him.

Mr. REED. Permission was given me to speak, and I want to finish what I have to say. [Renewed cries of "Regular order!" on the Democratic side.] Thereupon the gentleman from Illinois [Mr. ROWELL] requested that permission be given to the gentleman from Georgia [Mr. CRISP] and no one on this side objected. Now I ask the House, with a proper sense of fairness, to give the same privilege to the gentleman from Indiana [Mr. JOHNSTON], whose State has been attacked, and I want to know if there is any gentleman on the other side who feels that his course would be honorable in making objection after permission was given to the gentleman from Georgia. [Renewed cries of "Regular order!" on the Democratic side.]

Mr. CRISP. I have no objection myself to the request of the gentleman from Indiana, but the gentleman from Maine [Mr. REED] misapprehends the situation entirely. The House extended to the gentleman from Illinois [Mr. ROWELL] unanimous consent to extend his remarks, and I merely asked to be put on the same footing with him, and the gentleman from Indiana [Mr. JOHNSTON] was not included in the proposition at all.

Mr. REED. But the gentleman from Indiana [Mr. JOHNSTON] had made an objection, and it was with the distinct understanding that he was to have the same privilege that the objection was withdrawn. [Cries of "No!" "No!" on the Democratic side.]

Mr. REED. The gentleman from Indiana [Mr. JOHNSTON] had made that condition.

Mr. OWEN. You gentlemen on the other side are evidently afraid of the reply. [Derisive laughter on the Democratic side.]

Mr. CHADLE. I rise to a parliamentary inquiry.

Mr. ANDERSON, of Kansas. I move that the House do now adjourn.

Mr. CRISP. We have an arrangement, agreed to by both majority and the minority, that the vote shall be taken upon this case at this time.

Several MEMBERS on the Democratic side. Vote down the motion to adjourn.

The question was taken on the motion to adjourn, and the Speaker *pro tempore* declared that the yeas seemed to have it.

Mr. ANDERSON, of Kansas. I call for a division.

Mr. HENDERSON, of Iowa. Mr. Speaker, what are we voting upon?

The SPEAKER *pro tempore*. The Chair has stated the motion. The gentleman from Kansas [Mr. ANDERSON] moves that the House do now adjourn.

The House divided on the motion to adjourn; and there were—ayes 23, noes 174.

So the motion was rejected.

The SPEAKER *pro tempore*. The question now is on the substitute proposed by the minority of the committee.

Mr. ROWELL. I call for the reading of the substitute.

The Clerk read as follows:

*Resolved*, That William Elliott was not elected, and is not entitled to a seat in the Fiftieth Congress from the Seventh South Carolina district.

*Resolved*, That Robert Smalls was elected, and is entitled to a seat in the Fiftieth Congress from the Seventh South Carolina district.

Mr. CRISP. Mr. Speaker, I ask for a division of the question on those resolutions. [Cries of "No!" "No!" Very well; I demand the yeas and nays on agreeing to the resolutions.

The yeas and nays were ordered.

Mr. BLAND. I rise to a parliamentary question. I understand that one of those resolutions resolves that Robert Smalls was elected and the other that Mr. Elliott was elected.

Several MEMBERS. Oh, no.

Mr. BLAND. Let the resolutions be read again.

The Clerk again read the resolutions.

The question was taken; and it was decided in the negative—yeas 127, nays 142, not voting 53; as follows:

## YEAS—127.

|                 |              |            |                 |
|-----------------|--------------|------------|-----------------|
| Adams, Mass.    | Brewer,      | Davenport, | Guenther,       |
| Allen, Mich.    | Brower,      | Davis,     | Haugen,         |
| Anderson, Iowa  | Browne, Ind. | De Lano,   | Hayden,         |
| Anderson, Kans. | Brown, Ohio  | Dingley,   | Henderson, Iowa |
| Arnold,         | Buchanan,    | Dorsey,    | Henderson, Ill. |
| Atkinson,       | Burrows,     | Dunham,    | Hiestand,       |
| Baker, N. Y.    | Butterworth, | Farquhar,  | Hires,          |
| Baker, Ill.     | Cannon,      | Finley,    | Hitt,           |
| Bayne,          | Caswell,     | Fitch,     | Holmes,         |
| Belden,         | Cheadle,     | Fuller,    | Hopkins, Ill.   |
| Bingham,        | Clark,       | Funston,   | Hopkins, N. Y.  |
| Boothman,       | Cogswell,    | Gallinger, | Jackson,        |
| Bound,          | Conger,      | Gear,      | Kean,           |
| Boutelle,       | Cooper,      | Gest,      | Kelley,         |
| Bowden,         | Cutcheon,    | Grosvenor, | Kennedy,        |
|                 | Dalzell,     | Grout,     | Kerr,           |

La Follette,  
Laidlaw,  
Lehlbach,  
Lind,  
Lodge,  
Long,  
McComas,  
McCormick,  
McKenna,  
McKinley,  
Milliken,  
Moffitt,  
Morrill,  
Morrow,  
Nelson,  
Nichols,

O'Donnell,  
O'Neill, Pa.  
Osborne,  
Owen,  
Parker,  
Patton,  
Payson,  
Perkins,  
Peters,  
Phelps,  
Plumb,  
Posey,  
Post,  
Pugsley,  
Reed,  
Rockwell,

Romeis,  
Rowell,  
Russell, Conn.  
Russell, Mass.  
Ryan,  
Sawyer,  
Seull,  
Seymour,  
Spooner,  
Steele,  
Stephenson,  
Stewart, Vt.  
Struble,  
Taylor, J. D., Ohio  
Thomas, Ky.  
Thomas, Ill.

Thomas, Wis.  
Thompson, Ohio  
Turner, Kans.  
Vandever,  
Wade,  
Weber,  
West,  
White, Ind.  
Whiting, Mass.  
Wickham,  
Wilber,  
Williams,  
Wilson, Minn.  
Woodburn,  
Yardley.

## NAYS—142.

Abbott,  
Allen, Miss.  
Anderson, Miss.  
Anderson, Ill.  
Bacon,  
Bankhead,  
Biggs,  
Blanchard,  
Bland,  
Bliss,  
Blount,  
Breckinridge, Ark.  
Bryce,  
Buckinridge, Ky.  
Burnett,  
Bynum,  
Campbell, F. N. Y.  
Campbell, Ohio  
Campbell, T. J., N. Y.  
Candler,  
Carlton,  
Caruth,  
Catehings,  
Chipman,  
Clardy,  
Clements,  
Cobb,  
Collins,  
Compton,  
Cottrhan,  
Cowles,  
Cox,  
Crain,  
Crisp,  
Culbertson,  
Cummings,

Dargan,  
Davidson, Ala.  
Davidson, Fla.  
Dibble,  
Dockery,  
Dougherty,  
Dunn,  
Enloe,  
Ermentrout,  
Fisher,  
Foran,  
Ford,  
Forney,  
French,  
Gay,  
Gibson,  
Glass,  
Glover,  
Grimes,  
Hall,  
Hare,  
Hatch,  
Hayes,  
Heard,  
Hemphill,  
Henderson, N. C.  
Herbert,  
Holman,  
Hooker,  
Hopkins, Va.  
Howard,  
Hudd,  
Hutton,  
Johnston, N. C.  
Jones,  
Kilgore,

Laffoon,  
Lagan,  
Landes,  
Lane,  
Lanham,  
Latham,  
Lawler,  
Lynch,  
Macdonald,  
Mahoney,  
Maish,  
Martin,  
Matson,  
McAdoo,  
McClammy,  
McCreary,  
McKinney,  
McMillin,  
McRae,  
Merriman,  
Mills,  
Montgomery,  
Moore,  
Morgan,  
Newton,  
Norwood,  
O'Ferrall,  
O'Neill, Mo.  
Outhwaite,  
Peel,  
Pennington,  
Perry,  
Pideock,  
Randall,  
Rice,  
Richardson,

Robertson,  
Rogers,  
Rowland,  
Rusk,  
Sayers,  
Seney,  
Shaw,  
Shively,  
Simmons,  
Sowden,  
Spinola,  
Springer,  
Stahlnecker,  
Stewart, Tex.  
Stewart, Ga.  
Stockdale,  
Stone, Ky.  
Stone, Mo.  
Tarsney,  
Thompson, Cal.  
Tillman,  
Townshend,  
Turner, Ga.  
Vance,  
Walker,  
Washington,  
Weaver,  
Wheeler,  
Whiting, Mich.  
Wilkins,  
Wilkinson,  
Wilson, W. Va.  
Wise,  
Yoder.

## NOT VOTING—53.

Barnes,  
Barry,  
Bowen,  
Browne, T. H. B., Va.  
Brown, J. R., Va.  
Brumm,  
Buckalew,  
Bunnell,  
Butler,  
Cockran,  
Crouse,  
Darlington,  
Elliott,  
Felton,

Flood,  
Gaines,  
Goff,  
Granger,  
Greenman,  
Harmer,  
Hermann,  
Hogg,  
Houk,  
Hunter,  
Johnston, Ind.  
Ketcham,  
Laird,  
Lee,

Lyman,  
Maffett,  
Mansur,  
Mason,  
McCullogh,  
McShane,  
Morse,  
Neal,  
Nutting,  
Oates,  
O'Neill, Ind.  
Phelan,  
Rayner,  
Scott,

Sherman,  
Smith,  
Snyder,  
Symes,  
Taulbee,  
Taylor, E. B., Ohio  
Tracey,  
Warner,  
White, N. Y.  
Whitthorne,  
Yost.

So the substitute was rejected.

On motion of Mr. LODGE, by unanimous consent, the reading was dispensed with.

The following pairs were announced on all political questions until further notice:

Mr. SCOTT with Mr. CROUSE.

Mr. PHELAN with Mr. BUTLER.

Mr. MANSUR with Mr. WARNER.

Mr. WHITTHORNE with Mr. LYMAN.

Mr. MC SHANE with Mr. LAIRD.

Mr. SNYDER with Mr. BOWEN.

Mr. NEAL with Mr. HOUK.

For this day:

Mr. MORSE with Mr. SYMES.

Mr. RAYNER with Mr. THOMAS H. B. BROWNE.

Mr. HOGG with Mr. GOFF.

On the Smalls-Elliott contest:

Mr. O'NEALL, of Indiana, with Mr. FLOOD.

Mr. GREENMAN with Mr. SHERMAN.

Mr. JOHNSTON, of Indiana, with Mr. BARRY.

Mr. GRANGER with Mr. KETCHAM.

Mr. COCKRAN with Mr. WHITE, of New York.

Mr. TRACEY with Mr. MASON.

Mr. LEE with Mr. HARMER.

Mr. BARNES with Mr. HERMANN.

Mr. OATES with Mr. EZRA B. TAYLOR; Mr. TAYLOR would vote for Mr. Smalls and Mr. OATES for Mr. Elliott.

Mr. TAULBEE with Mr. HUNTER; Mr. TAULBEE would vote for Mr. Elliott and Mr. HUNTER for Mr. Smalls.

Mr. BUCKALEW with Mr. DARLINGTON; Mr. DARLINGTON would vote for the contestant and Mr. BUCKALEW against him.

Mr. BUTLER. I am paired on political questions with my colleague, Mr. PHELAN. I presume that he, coming from the district he does, would vote "no" on this question. I should vote "ay."



Mr. O'FERRALL. I desire to state that my colleague, Mr. LEE, who is paired on this question, would, if present, vote "no" on this proposition.

The vote was then announced as above recorded. [Applause on the Democratic side.]

The SPEAKER *pro tempore*. The question now recurs on the resolutions reported by the Committee on Elections.

Mr. HATCH. Let them be read.

The Clerk read as follows:

*Resolved*, That Robert Smalls was not elected a Representative to the Fiftieth Congress from the Seventh district of South Carolina.

*Resolved*, That William Elliott was duly elected a Representative to the Fiftieth Congress from the Seventh district of South Carolina, and is entitled to his seat.

The resolutions were adopted.

[Applause on the Democratic side.]

Mr. CRISP moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that he had been directed to request the return to the Senate of the bill (S. 314) for the relief of Henry M. Rector.

It further announced the passage of the bill (S. 3439) authorizing the Secretary of War to ascertain the amount of money which has been expended and the obligations assumed by the State of California growing out of Indian hostilities therein and upon the borders thereof, not heretofore reimbursed by the United States.

#### STATE GOVERNMENTS, ARIZONA, IDAHO, AND WYOMING.

Mr. SPRINGER, from the Committee on the Territories, reported back favorably the bill (H. R. 12411) to enable the people of Arizona, Idaho, and Wyoming to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

And then, on motion of Mr. CRISP (at 5 o'clock and 55 minutes p. m.), the House adjourned.

#### PRIVATE BILL INTRODUCED AND REFERRED.

Under the rule a private bill of the following title was introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 12579) for the relief of Richard L. Wilson—to the Committee on Military Affairs.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Concurrent resolution of the Legislature of Kansas, in relation to pensions—to the Committee on Invalid Pensions.

Also, concurrent resolution of the same, in relation to the assassination of John M. Clayton—to the Committee on Elections.

By Mr. FORNEY: Petition of D. L. James, asking for pay for carrying United States mail on route No. 16261, in Florida—to the Committee on Claims.

By Mr. HUNTER: Petition of Elizabeth Cates, dependent mother of James V. Ritter, late private Company E, Twenty-ninth Illinois Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of citizens of Marshfield, Plymouth, and Duxbury, Mass., for life-saving station—to the Committee on Commerce.

By Mr. PETERS: Concurrent resolution of the house of representatives of Kansas, favoring pension legislation for militia and non-enlisted men—to the Committee on Invalid Pensions.

Also, concurrent resolution of the house of representatives of Kansas, expressing its disapproval of political violence in the State of Arkansas—to the Committee on Elections.

By Mr. VOORHEES: Petition of 1,667 citizens of Seattle, of 40 citizens of Green River, of 15 citizens of Independence, of 33 citizens of Mossy Rock, and of 42 citizens of Edwards, Wash., praying for the immediate admission of said Territory into the Union under the name of Washington—to the Committee on the Territories.

By Mr. WASHINGTON: Petition of William Jones, sr., for relief of Payne, James & Co., for relief of V. D. Smith, for relief of William M. Campbell, for relief of William Huff, and for relief of John D. James—to the Committee on War Claims.

By Mr. WILSON: Petition of John B. Rutherford, of Jefferson County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Resolution of Tobacco Exchange of Richmond, Va., asking for the repeal of the tax on tobacco; also, resolution of Lynchburg Tobacco Association, in favor of the repeal of the tax on tobacco—to the Committee on Ways and Means.

The following petitions for a national Sunday-rest law were received and severally referred to the Committee on Labor:

By Mr. CUMMINGS: Of 1,584 citizens of New York.

By Mr. FORD: Of 332 citizens of Michigan, and of 74 citizens of Allendale, Mich.

By Mr. FULLER: Of 396 citizens of Iowa.

By Mr. KELLEY: Of 2,909 citizens of Pennsylvania.

By Mr. LAIDLAW: Of citizens of Chautauqua County, New York, and of A. W. Hull and others, of New York.

The following petitions, praying for a constitutional amendment prohibiting the manufacture, importation, exportation, transportation, and sale of all alcoholic liquors as a beverage, were received and severally referred to the Select Committee on the Alcoholic Liquor Traffic:

By Mr. BROWER: Of 135 citizens of Winston and Salem, N. C.

By Mr. CLARK: Of 164 citizens of Berlin, Wis.

By Mr. DINGLEY: Of 91 citizens of Booth Bay, Me.

By Mr. FORD: Of 50 citizens of Allendale, Mich.

By Mr. GIFFORD: Of 135 citizens of Grand Forks, Dak.

By Mr. GROUT: Of 56 citizens of Marshfield, Vt.

By Mr. D. B. HENDERSON: Of citizens of Providence, Iowa.

By Mr. HIRSH: Of 58 citizens of Bridgeport, N. J.

By Mr. LONG: Of 104 citizens of Raynham, Mass.

By Mr. MACDONALD: Of 74 citizens of Red Wing, Minn.

By Mr. RICE: Of 173 citizens of St. Anthony Park, of St. Paul, Minn.; of 42 citizens of Minneapolis, and of 105 citizens of Macalister City, of St. Paul, Minn.

By Mr. RYAN: Of 196 citizens of Burlingame, Kans.

By Mr. VANDEVER: Petition of 81 citizens of Villa Park; of 31 citizens of Topeka; of 34 citizens of Sierra Madre; of 26 citizens of Eagle Rock; of 195 citizens of Los Angeles, of 120 citizens of Compton; of 48 citizens of El Modinia; of 41 citizens of Norwalk, Cal.; of 137 citizens of Long Beach; of 178 citizens of Santa Barbara; of 20 citizens of Santa Maria; of 30 citizens of Ontario; of 41 citizens of Rialto; of 21 citizens of Oneonta; of 53 citizens of Otay, and of 38 citizens of San Diego, Cal.

#### SENATE.

THURSDAY, February 14, 1889.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

FRANK D. WORCESTER—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 3451, entitled "An act granting a pension to Frank D. Worcester."

The beneficiary named in this bill served in the volunteer army from February 4, 1863, to January 27, 1864, a period of less than one year, when he was discharged upon the certificate of a surgeon, alleging as his disability "manifest mental imbecility and incontinence of urine—disease originated previous to enlistment."

In 1880, sixteen years after his discharge, a claim for pension was filed in his behalf by his father as his guardian, in which it was alleged that his mind—naturally not strong—became diseased in the Army by reason of excitement and exposure.

He was adjudged insane in 1872 and sent to an insane hospital, where he remained about six years, when he was discharged as a harmless incurable. His mental condition has remained about the same since that time.

Upon the declared inability to furnish testimony to rebut the record of mental disease prior to enlistment, the claim for pension was rejected in 1883.

In 1887 the case was reopened and a thorough examination was made as to soundness prior to enlistment and the origin and continuance of mental unsoundness.

Upon this examination evidence was taken, showing that he was deficient intellectually when he joined the Army; that he was stationed where he was not much exposed, and that his duties were comparatively light; that he never was considered a boy of solid intelligence, and that he had epileptiform seizures prior to enlistment.

On the other hand, no disinterested and unbiased evidence was secured tending to rebut these conditions.

The claim was thereupon again rejected. This was a proper disposition of the case unless the Government is held liable for every disability which may afflict those who served in the Union Army.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 13, 1889.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

MICHAEL SHONG—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 2514, entitled "An act granting a pension to Michael Shong."

It appears that the beneficiary named in this bill, under the name of John M. Johns, enlisted in Company I, Fourteenth New York Volunteers, on the 17th day of May, 1861, and was discharged May 24, 1863.